

# भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित  
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सं० 5] नई दिल्ली, शनिवार, जनवरी 31, 1981/माघ 11, 1902  
No. 5] NEW DELHI, SATURDAY, JANUARY 31, 1981/MAGHA 11, 1902

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके  
Separate paging is given to this Part in order that it may be filed as a separate compilation

## भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए सांविधिक  
आदेश और अधिसूचनाएं

Statutory Orders and Notifications issued by the Ministries of the Government of India  
(other than the Ministry of Defence)

वित्त मंत्रालय  
(राजस्व विभाग)

नई दिल्ली, 28 जुलाई 1980

आय-कर

का० आ० 331 - सर्वसाधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि निम्नलिखित मस्या को वित्त प्रधिकारी अर्थात् भारतीय सामाजिक विज्ञान परिषद् ने आय-कर अधिनियम 1961 की धारा 35 की उपधारा (1) के खण्ड (iii) के प्रयोजनों के लिए निम्नलिखित शर्तों पर अनुमोदित किया है --

1. यह कि इस छूट के अधीन भारतीय आर्थिक मगम द्वारा प्राप्त निधियों को अनन्य रूप से सामाजिक विज्ञान अनुसंधान की प्रगति के लिए उपयोग में लाया जाएगा।
2. यह कि भारतीय आर्थिक मगम इस छूट के अधीन उनके द्वारा प्राप्त निधियों का अलग लेखा रखेगा।
3. यह कि भारतीय आर्थिक मगम भारतीय समाज विज्ञान अनुसंधान परिषद्, नई दिल्ली को एक वार्षिक रिपोर्ट और लेखाओं का संक्षिप्त विवरण नियमित रूप से भेजेगा जिसमें इस छूट के अधीन प्राप्त निधियाँ और वृत्ति जिसमें उनका प्रयोग किया गया है दर्शाई जाएगी।

सस्था

भारतीय आर्थिक मगम दिवानी राजस्थान

यह अधिसूचना 1-1-1980 से 31-3-1983 तक तीन वर्षों का अवधि के लिए प्रभावी रहेगी।

[सं० 3602(फा० ग० 303/153/79-आ० 770 अ-1)]

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 28th July, 1980

INCOME-TAX

S.O. 331.—It is hereby notified for general information that the institution mentioned below has been approved by the Indian Council of Social Science Research the Prescribed authority for the purposes of clause (iii) of sub-section (1) of Section 35 of the Income-tax Act, 1961, subject to the following conditions :—

- 1 That the funds collected by the Indian Economic Association under this exemption shall be utilised exclusively for promotion of research in social sciences.
- 2 That the Indian Economic Association shall maintain separate accounts of the funds so collected by them under this exemption and

3. That the Indian Economic Association shall send an annual report and audited statement of accounts regularly to the Indian Council of Social Science Research, New Delhi, showing the funds collected under this exemption and the manner in which these funds are utilised.

#### INSTITUTION

The Indian Economic Association, Pilani, Rajasthan.

This notification is effective for a period of three years from 1-4-1980 to 31-3-1983.

[No. 3602(F. No. 203/153/79-ITA-II)]

नई दिल्ली, 9 अक्टूबर, 1980

#### आय-कर

का० आ० 332 --सर्वसाधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात् विज्ञान और प्रौद्योगिकी विभाग, नई दिल्ली ने निम्नलिखित संस्था को आय-कर नियम, 1962 के नियम 6(vi) के साथ पठित, आय-कर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के प्रयोजनों के लिए अन्य प्राकृतिक या अनुप्रयुक्त विज्ञान के क्षेत्र में "संगम" के प्रवर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है, अर्थात् --

- 1 यह कि सी० सी० श्रोफ अनुसंधान संस्थान नई दिल्ली प्राकृतिक या अनुप्रयुक्त (कृषि/पशुपालन/मत्स्यकी और औद्योगिक) विज्ञान के क्षेत्र में वैज्ञानिक अनुसंधान के लिए प्राप्त राशियों का हिमाश पृथक् रूप में रखेगा।
- 2 यह कि उक्त संस्थान प्रत्येक वित्तीय वर्ष के लिए अपने वैज्ञानिक अनुसंधान संबंधी क्रियाकलापों की वार्षिक विवरणी विहित प्राधिकारी को प्रति वर्ष 30 अप्रैल तक ऐसे प्ररूपों में प्रस्तुत करेगा जो इस प्रयोजन के लिए अधिकथित किए जाएं और उसे सूचित किए जाएं।
- 3 यह कि उक्त संस्थान प्रति वर्ष वार्षिक विवरणी और लेखाओं का वार्षिक विवरण आय-कर आयुक्त, नई दिल्ली को भेजेगा।

#### संस्था

सी० सी० श्रोफ अनुसंधान संस्थान, नई दिल्ली

यह अधिसूचना 13-10-80 से 12-10-1983 तक की 3 वर्ष की अवधि के लिए प्रभावी है।

[सं० 3693 (फा० सं० 203/128/79-आईटीए-II)]

हरि नारायण, अधीक्षक

New Delhi, the 9th October, 1980

#### INCOME-TAX

**S.O. 332.**—It is hereby notified for general information that the institution mentioned below has been approved by the Secretary, Department of Science & Technology, New Delhi, the prescribed authority for the purposes of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961, read with Rule 6(vi) of the Income-tax Rules, 1962, under the category 'Association' in the area of other natural or applied sciences, subject to the following conditions :—

1. That the C. C. Shroff Research Institute, New Delhi will maintain a separate account of the sums received by it for scientific research in the field of natural or applied sciences (other than agricultural/animal husbandry/fisheries and medicines).
2. That the said institute will furnish the annual return of its scientific research activities to the prescribed authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 30th April, each year.
3. That the said institute will submit the annual return and statement of accounts to the Commissioner of Income-tax New Delhi every year.

#### INSTITUTION

C. C. Shroff Research Institute, New Delhi.

This notification is effective for a period of 3 years from 13-10-80 to 12-10-1983.

[No. 3693 (F. No. 203/128/79-ITA-II)]

HARI NARAIN, Under Secy.

नई दिल्ली, 30 अक्टूबर, 1980

#### आय-कर

का० आ० 333 --सर्वसाधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात् भारतीय आयुर्विज्ञान अनुसंधान परिषद् नई दिल्ली ने निम्नलिखित संस्था को आय-कर नियम, 1962 के नियम 6(ii) के साथ पठित, आय-कर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के प्रयोजनों के लिए आयुर्विज्ञान अनुसंधान के क्षेत्र में "वैज्ञानिक अनुसंधान संगम" प्रवर्ग के अन्तर्गत निम्नलिखित शर्तों पर अनुमोदित किया है, अर्थात् --

- 1 यह कि संगम आयुर्विज्ञान अनुसंधान के लिए प्राप्त राशियों का हिमाश पृथक् रूप में रखेगा।
- 2 यह कि संगम प्रत्येक वर्ष के लिए अपने वैज्ञानिक अनुसंधान संबंधी क्रियाकलापों की एक वार्षिक विवरणी परिषद् को प्रति वर्ष 31 मई तक ऐसे प्ररूप में प्रस्तुत करेगा जो इस प्रयोजन के लिए अधिकथित किया जाए और उसे सूचित किये जाएं।
- 3 यह कि संगम प्रति वर्ष 31 मई तक परिषद् को लेखाओं के संवरीक्षित विवरण की एक प्रति भेजेगा और इसके अनुरिक्त उसकी एक प्रति सम्बद्ध आय-कर आयुक्त को भेजेगा।

#### संस्था

तालेगांव जनरल हॉस्पिटल एंड कनवेलसेंट होम, तालेगांव, पुणे

यह अधिसूचना 25-9-1980 से 24-9-1983 तक की तीन वर्ष की अवधि के लिए प्रभावी है।

[सं० 3715 (फा० सं० 203/237/80-आईटीए-II)]

New Delhi, the 30th October, 1980

#### INCOME-TAX

**S.O. 333.**—It is hereby notified for general information that the institution mentioned below has been approved by Indian Council of Medical Research, New Delhi, the prescribed authority for the purposes of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 read with rule 6(ii) of the Income-tax Rules, 1962 under the category of 'Scientific Research Association' in the field of Medical Research subject to the following conditions :—

1. That the Association will maintain a separate account of the sums received by it for medical research.
2. That the Association will furnish annual returns of its scientific research activities to the Council for each year at the latest by 31st May in each year in such form as may be laid down and intimated to them for this purpose.
3. That the Association will furnish a copy of the audited statement of accounts to the Council by 31st May, each year and in addition send a copy of it to the concerned Income-tax Commissioner.

#### INSTITUTION

Talegaon General Hospital and Convalescent Home, Talegaon, Pune.

This notification is effective for a period of 3 years from 25-9-1980 to 24-9-1983.

[No. 3715 (F. No. 203/237/80-ITA-II)]

INCOME TAX

**S O. 335.**—It is hereby ordered for general information that the approval given under section 35(1)(ii) of the Income-tax Act, 1961 to Birla Archaeological and Cultural Research Institute, Hyderabad (AP) by notification No 3963, dated 15th September, 1978 is withdrawn with effect from 1st April, 1975 to 31-12-78 on the recommendation of the Prescribed authority, the Secretary, Department of Science & Technology, New Delhi

J P SHARMA, For Director

नर दिल्ली 7 जनवरी 1951

का. आ० 336 जेवन बोमा नाम ओशनयम, 1976 (1976 मा 31) का माता द्वारा प्रदत्त शोका की प्रमाण के रूप में केन्द्रीय सरकार सरकार ओद्योगिक विज्ञान वैज्ञानिक अर्थशास्त्र एवं प्रवर्धन निदेशक या ए० एन० पै को, उन अक्षर तर्क के लिए जहाँ वे थे या छात्र वे तब वे स्थान पर साक्ष्य ओद्योगिक वैज्ञानिक अर्थशास्त्र एवं प्रवर्धन निदेशक को पद पर थे जहाँ वे साक्ष्य के तब जहाँ निम्न का सदस्य निकल रहा है।

शिव दयाल रहजा, अवर सचिव

(Department of Economic Affairs)

New Delhi, the 7th January, 1981

**S.O. 336.**—In exercise of the powers conferred by Section 4 of the Life Insurance Corporation Act, 1956 (31 of 1956), the Central Government hereby appoints Shri N. N. Pai, Chairman-cum-Managing Director of the Industrial Development Bank of India, Bombay, as member of the Life Insurance Corporation of India as long as he holds charge of Chairman-cum-Managing Director, Industrial Development Bank of India, vice Shri R. K. Talwar.

S. D. RAHEIA, Under Secy

(बैंकिंग प्रभाग)

नई दिल्ली ४ जनवरी, 1951

का० आ० 337 — प्रादक्षिण यूप एवं अधिनियम 1976 (1976 का 21) का धारा 11 की उपधारा (1) द्वारा प्रदत्त तत्कालीन प्रजापति द्वारा, कन्द्रीय मंत्रालय, गन्तव्य। श्री एस० ए० कर्मा का श्री आर० ए० अग्रवाल ने स्थान पर श्री उत्तम अग्रवाल वरु. से वास्तविक वातावरण समालोचन का निराखर मंत्रालय हस्तगत कीति वर्ष की अवधि के मुक्त श्रमिक ग्रामाग वैद आश्रम में श्री अग्रवाल के कर्मकाण्ड।

[सं. ११५० ५७/८० आर. आर. बा.]

(Banking Division)

M. K. PANDEY, Dy Secy

New Delhi, the 8th January, 1981

नई दिल्ली, 6 दिसम्बर 1979

अयि-कर

का० आ० 335 -- सर्वसाधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि अधिसूचना सं० का० आ० 3963, तारीख 15 मिनम्बर, 1978 द्वारा बिड़ला आक्सिडलाइजिकल एण्ड क्लचकल लिमिटेड इस्टीमेट, हजुराबाद (गुजरात) का आय-कर अधिनियम, 1961 की जागा 35(1)(ii) के अन्तर्गत दिया गया अनुमानित विहित प्राधिकारी, अर्थात् सचिव विज्ञान और प्रौद्योगिकी विभाग, नई दिल्ली की सिफारिश पर 1 अप्रैल, 1978 से 31-12-1978 तक प्रत्याहृत किया जाता है।

**S.O. 337**—In exercise of the powers conferred by sub-section (1) of section 11 of the Regional Rural Banks Act, 1976 (21 of 1976) the Central Government hereby appoints Shri M C Narula as the Chairman of the Samvut Kshetritra Gramin Bank Azamgarh vice Shri R A Aggarwal for a period of three years commencing on the date on which Shri M C Narula actually takes over the charge as such Chairman from Shri R A Aggarwal.

No. 1 8-7 80 RRB]

410 505' ( 410 400 03/128/7, 322 31 0-11 )

जे० पी० शर्मा कृते निदेशक

A. P. GULATI, Under Secy.

## वाणिज्य मंत्रालय

(वाणिज्य विभाग)

नियंत्रक, आयात-निर्यात का कार्यालय, कस्तुर्जो

गार्धी - एम. 25 अक्टूबर, 1980

विषय सर्वश्री राजनी एन्टरप्राइज भुज (कच्छ) से जारी आयात लाइसेंस नं० पी०/एम०/1877328/सी०/XX71/के० 79/दिनांक 19-6-79 को सीमा शुल्क प्रयोजन प्रति की रद्द करना।

का०आ०. 343.—सर्वश्री राजनी एन्टरप्राइज भुज (कच्छ) को रफ आर्थेनसिक ब्लैक के लिए 16000 रुपये (सोलह हजार रुपये मात्र) का लाइसेंस नं० पी०/एम०/1877328 दिनांक 19-6-79 प्रदान किया गया है।

उन्होंने उक्त लाइसेंस की सीमा शुल्क प्रयोजन प्रति की अनुलिपि प्रति के लिए डम आधारा पर आवेदन किया है कि उक्त 16000 रुपये लाइसेंस की मूल प्रति सीमा शुल्क कार्यालय, बम्बई, में पत्र क्रम संख्या बिना खो गयी है।

अपने दवे के समर्थन में आवेदक ने शपथपत्र दखिना किया है।

मे मनुष्ठ है कि लाइसेंस नं० पी०/एम०/1877328 दिनांक 19-6-79 को सीमा शुल्क खो गयी है और निदेश देना है कि उक्त लाइसेंस की सीमा शुल्क प्रयोजन प्रति की अनुलिपि आवेदक का जारी की जाए।

[म० डम्पा०/पे. य-13/80]  
टी०टी०ला०, मयुक्त मुख्य नियंत्रक,  
आयात-निर्यात

विषय. आयात लाइसेंस नं० पी०/एम०/1877328, 16000 रु० को सीमा शुल्क प्रयोजन प्रति जारी करना।

आपको सूचित किया जाता है कि सर्वश्री राजनी एन्टरप्राइज, भुज (कच्छ) को लाइसेंस नं० पी०/एम०/1877328 दिनांक 19-6-79 को सीमा शुल्क प्रयोजन प्रति की अनुलिपि जारी की गयी है। यह अनु राख है कि सीमा शुल्क प्रयोजन प्रति (जिसका विवरण नीचे दिया गया है) प्रस्तुत करने पर बंधन समझी जाए और यदि उपर्युक्त लाइसेंस की मूल सीमा शुल्क प्रति आपके पत्तन पर पहले ही प्रस्तुत/उपभोग की गयी है तो उसकी सूचना इस कार्यालय का तुरन्त दी जाए।

लाइसेंस नं०	जारी	मद	उपयोग किया गया मूल्य	अनुपयोगी मूल्य
दिनांक				
1	2	3	4	5
(1) पी०/एम०/1877328	नियंत्रक आयात-निर्यात गार्धी धाम	रफ आर्थेनसिक ब्लैक	कुछ भी नहीं	16000 रूप

एम०पी० जार्जी, नियंत्रक आयात निर्यात,  
गार्धी धाम

MINISTRY OF COMMERCE  
(Department of Commerce)

OFFICE OF THE CONTROLLER OF IMPORTS AND EXPORTS, KASTURJI

Gandhidham, the 25th October 1980

Sub: —Cancellation of Import Licence No P/S/1877328/C/XX71/K79, dated 19-6-79, (Custom Purpose copy) issued to M/s. Roshni Enterprise Bhuj (Kutch).

S.O. —M/s. Roshni Enterprise, Bhuj (Kutch) were granted Import Licence No. P/S/1877328 dated 19-6-79 for Rs. 16000 (Rupees Sixteen thousand) for Rough Ophthalmic Blanks.

They have applied for duplicate copy of the said licence for Rs. 16000 (Rupees Sixteen thousand only) (Custom Purpose copy) on the ground that the said original licence has been lost without having been registered with the Custom House, Bombay.

In support of their claim applicant has filed an affidavit

I am satisfied that the licence No. P/S/1877328 dated 19-6-79 (Custom Purpose Copy) have been lost and direct that duplicate of the said licence (Custom Purpose Copy) should be issued to applicant

[No. Import/AU-13/80]  
T. T. I. A. H. Chief Controller  
Imports & Exports

Sub: Issue of duplicate copy of Import licence No. P/S/1877328 (Custom Purpose Copy) for Rs. 16000.

This is to inform you that the duplicate copy of licence No. P/S/1877328 dated 19-6-79 (Custom Purpose Copy) has been issued to M/s. Roshni Enterprise, Bhuj (Kutch). It is requested that the original licence (Custom Purpose Copy) (Particulars given below should not be treated as valid produced and that information should be sent to this office immediately, if the original custom purpose copy of above licence has already been presented or utilised at his port.

S. L. No.	Licence No. and Date	Issued Item	Value utilised	Value unutilised
(1)	(2)	(3)	(4)	(5)
(1)	P/S/1877328 dated 19.6.79.	The controller of Imports and Exports, Gandhidham	Rough Ophthalmic Blanks	NIL Rs. 16,000 -.

M. P. JOSHI, Controller  
of Imports and Exports,  
Gandhidham.

(रबड़ नियंत्रण)

नई दिल्ली 15 जनवरी, 1981

का०आ० 344 —केन्द्रीय सरकार, रबड़ नियम 1955 के नियम 4 के उपनियम (1) के साथ पठित रबड़ अधिनियम, 1947 (1947 का 24) की धारा 4 की उपधारा (3) के खण्ड (ड) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए एतद्द्वारा यह अधिसूचित करती है कि राज्य सभा ने श्री एन०पी० चेंगलराया नायडू संसद सदस्य को रबड़ बोर्ड के सदस्य के रूप में निर्वाचित किया है और यह विनिर्दिष्ट करती है कि वे सरकारी राजपत्र में इस अधिसूचना के प्रकाशित होने की तारीख से तीन वर्ष की अवधि के लिए अथवा तब तक के लिए जब तक वे राज्य सभा में सदस्य बने रहते हैं, जा भी कम हों, इस पद पर बने रहेंगे।

[फा०स० 15(1)/78-प्लांट (बी)]

एम० महादेव अय्यर, उप सचिव

Rubber

(RUBBER CONTROL)

New Delhi, the 15th January, 1981

S.O. 344.—In exercise of the powers conferred by clause (e) of sub-section (3) of section 4 of the Rubber Act, 1947 (24 of 1947), read with sub-rule (1) of rule 4 of the Rubber Rules, 1955 the Central Government hereby notifies that Shri N P Chengalraya Naidu, member of Parliament, has been elected by the Council of States as a member of the Rubber Board and further specifies that he shall hold office for a period of three years commencing from the date of publication of this Notification in the Official Gazette or for so long as he continues to be member of the Council of States whichever is less.

[File No. 15 (1) 78-Plant (B)]

S. MAHADEVVA IYER, Dy. Secy.

### आदेश

नई दिल्ली 31 जनवरी 1981

कां०अ० 345—निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम 1963 (1963 का 22) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार की यह राय है कि भारत के निर्यात व्यापार के विभाग के लिए ऐसा करना आवश्यक और समीचीन है कि एकस-र यन्त्र का नियान से पूर्व क्वालिटी नियंत्रण और निरीक्षण दिया जाए,

और केन्द्रीय सरकार ने इस निमित्त प्रस्ताव बनाने के पश्चात् उक्त निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम 1964 के नियम 11 के उप नियम (1) की अधिष्ठानसार निर्यात निरीक्षण परिपद का उसमें बिचारार्थ मज दिया है

और उक्त स्थित प्रस्तावों पर परिपद से प्राप्त विचारों पर के द्वारा सरकार द्वारा विचार कर लिया गया है।

अतः उक्त स्थित नियम 11 के उपनियम (6) के अनुसरण में केन्द्रीय सरकार अपने प्रस्तावों को उसमें प्रभावित हान बाध जनता को जानकारी के लिए इसके द्वारा प्रकाशित करती है।

2 इसके द्वारा सूचना दी जाती है कि उक्त प्रस्तावों के बारे में कोई आक्षेप या सुझाव का इच्छुक कोई व्यक्ति उक्त इस आदेश के राजपत्र में प्रकाशन की मारीख से पैंनामाग दिन के भीतर नियत निरीक्षण परिपद 11/1-सी एजरा स्ट्रीट बन्ड स्ट्रुट मन्टर (नवी मस्जिद) कलकत्ता 700001 को मज सकता है।

### प्रस्ताव

- (1) यह अधिसूचित करना कि एकस-र उपकरण का नियान से पूर्व क्वालिटी नियंत्रण और निरीक्षण किया जाएगा।
- (2) इस आदेश के उपाध्व 1 में बिण गण एकस-र यन्त्र के निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम 1981 के प्राप्प के अनुसार निरीक्षण के प्रकार का क्वालिटी नियंत्रण और निरीक्षण के एम प्रकार के रूप में धिनिर्दिष्ट करना जो नियान से पूर्व एम एकस-र उपकरणों पर लागू होगा।
- (3) (क) निर्यात सविदा में स्वीकृत सांख्यिक धिनिर्देशों का इस आदेश के उपाध्व 11 में बिण गण न्यूनतम धिनिर्देशों के अधीन रहने हुए मान्यता देना या
- (ख) किसी विदेश के लोकपायाग समुत्थान या सरकारी विभाग द्वारा अनुभावित मानकों का मान्यता देना या
- (ग) अन्तराष्ट्रीय विद्युत आयाग या धिदंशी क्ला द्वारा किसी भी राष्ट्रीय मानक में अनिरिक्त अनुबध्धों सहित धिनिर्देशों का एम एकस-र यन्त्रों के लिए मानक धिनिर्देशों के रूप में मान्यता देना।
- (4) अन्तराष्ट्रीय व्यापार के दौरान एकस-रे गता के निर्यात का तब तक प्रतिपिष्ट करना जब तक कि उसके साथ नियान (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम 1963 (1963 का 22) की धारा 7 के अधीन केन्द्रीय सरकार द्वारा स्थापित अभिकरणा में से किसी एक द्वारा जारी किया गया इस आदेश का प्रमाण पत्र न हो कि एकस-रे यन्त्रों के पर्येषण क्वालिटी नियंत्रण और निरीक्षण से संबंधित शर्तों का पूरा करम है और वे निर्यात योग्य हैं।

3 इस आदेश की कोई भी बात बाधों वताओं का भाग या समझ भाग या लागू भाग द्वारा एम-र 111 के अन्तर्गत मुद्रा के धिदंशों का लागू नहीं होगी।

4 इस आदेश में एकस-र उपकरण में एकस-र ट्यूब में ऊर्जा उत्पन्न करने वाले तथा फलुभागरकापी और रडियाग्राफी के प्रयोजन के लिए उसकी प्रक्रिया पर नियंत्रण करने के लिए आवश्यक विद्युत साधनों का समझन अभिप्रत है जिसमें अतगत उसके उपसाधन पुत्र और सध-र भी हैं।

### उपाध्व-1

नियान (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम 1963 (1963 का 22) की धारा 17 के अधीन बनाए जाने वाले प्रस्तावित नियमों का प्राक्प।

1 मशिक्ष नाम —इत नियमों का मशिक्ष नाम एकस-र उपकरण नियान (क्वालिटी नियंत्रण और निरीक्षण) नियम 1981 है।

2 परिभाषाएं —इत नियमों में जब तक सध में अन्यथा अपक्षित न हो —

(क) अधिनियम से निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम 1963 (1963 का 22) अधिप्रत है

(ख) अभिकरण से अधिनियम की धारा 7 के अधीन मध्वर्ध कलकत्ता काचीन दिनी और सदाग में स्थापित अभिकरणा में से कोई एक अभिकरण अभिप्रत है।

(ग) एकस-रे उपकरण में एकस-र ट्यूब में ऊर्जा उत्पन्न करने वाले तथा फलुभागरकापी और रडियाग्राफी के प्रयोजन के लिए उसकी प्रक्रिया पर नियंत्रण करने के लिए आवश्यक विद्युत साधनों का समझन अभिप्रत है जिसमें अतगत उसके साधन पुत्र और सध-र भी हैं।

### 3 क्वालिटी नियंत्रण और निरीक्षण

(1) क्वालिटी नियंत्रण नियान के लिए आणयित एकस-र उपकरणों का क्वालिटी नियंत्रण इस दृष्टि से किया जाएगा कि वे इसमें उपाध्व अनुसूची में दिए गए नियंत्रण स्तरों के साथ धिनिर्माण के बिभिन्न स्तरों पर निम्नलिखित नियंत्रणों का प्रयोग करने हुए अधिनियम की धारा 6 के अधीन केन्द्रीय सरकार द्वारा मान्यताप्राप्त धिनिर्देशों के अनुरूप हैं, अर्थात् —

(1) त्रय की गई मामग्री और सध-र नियंत्रण —

(क) प्रयोग की जाने वाली या सामग्री या सध-रों के गुणधर्मों का समाविष्ट करने धिनिर्माता त्रय धिनिर्देश अधिर्कथित करगा और आत बाले लटा की उनमें अनुरूपता सुनिश्चित करने के लिए उसके पास निरीक्षण या परीक्षण के पर्याप्त साधन होंगे।

(ख) स्वीकृत परपणा के साथ या ना त्रय धिनिर्देशों की अपक्षता की सुगुणित करने वाली प्रदायकर्ता का परीक्षण या निरीक्षण प्रमाण पत्र होगा जिस वना में उक्त परीक्षण या निरीक्षण प्रमाण पत्रों का शुद्धता का स्थापित करने के लिए धिनिर्माता त्रिणिष्ट प्रदायकर्ता की वास्तव वातित परीक्षण (अर्थात् एक जैसे माल के लिए एक प्रदायकर्ता के लिए प्रत्येक तिमाही में एक बार) करेगा या त्रय की गयी सामग्री या सध-रों का कारखाना के भीतर प्रयोगशाला या किसी अन्य प्रयोगशाला या परीक्षण गृह में नियमित रूप से निरीक्षण या परीक्षण किया जाएगा।

(ग) किए जाने वाले निरीक्षण या परीक्षण के लिए नमूना का लिया जाना अभिनिश्चित अनुषेध पर आधारित होगा।

(घ) निरीक्षण या परीक्षण किए जाने के पश्चात् स्वीकृत तथा अस्वीकृत माल या सध-रों का पथन करने के लिए और अस्वीकृत माल या सध-रों के न्ययन के लिए अतगत न गठितों अप-नाई जायेंगी।

(उ) विनिर्माता और विनिर्दिष्ट नियंत्रणों के माध्यम पर्याप्त अभिलेख नियमित और व्यवस्थित रूप से रखेगा।

(ii) प्रक्रिया नियंत्रण :—

(क) विनिर्माता विनिर्माण को विभिन्न प्रक्रियाओं के लिए विस्तृत प्रक्रिया विनिर्देश अधिकथित करेगा।

(ख) प्रक्रिया विनिर्देशों में अधिकथित प्रक्रियाओं के नियंत्रण के लिए उपकरण, उपकरण और सुविधाओं की पर्याप्त व्यवस्था होगी।

(ग) विनिर्माण की प्रक्रिया के दौरान प्रयुक्त नियंत्रणों के सत्यापन का माध्यम होना सुनिश्चित करने के लिए विनिर्माता पर्याप्त अभिलेख रखेगा।

(iii) उत्पादन नियंत्रण :—

(क) अधिनियम की धारा 6 के अधीन मान्यताप्राप्त विनिर्देशों के अनुसार उत्पाद का परीक्षण करने के लिए विनिर्माता के पास या तो स्वयं अपनी परीक्षण सुविधाएँ होंगी या उसकी पहुँच वहाँ तक होगी जहाँ ऐसी सुविधाएँ उपलब्ध हैं।

(ख) विनिर्माता किए गए परीक्षणों के संबंध में पर्याप्त अभिलेख नियमित और व्यवस्थित रूप से रखेगा।

(iv) परीक्षण नियंत्रण :—

(क) विनिर्माता उत्पाद को मौसम के प्रतिकूल प्रभावों से सुरक्षित करने के लिए विस्तृत विनिर्देश अधिकथित करेगा।

(ख) उत्पाद को भंडारण और अभिवहन दोनों के दौरान, अच्छी तरह से परीक्षित किया जाएगा।

(v) मौसम संबंधी नियंत्रण :—

विनिर्माता उत्पादन और निरीक्षण में प्रयुक्त गैजों और उपकरणों की कालिक जाँच या अर्थोपरीक्षण करेगा और अभिलेख वृत्तिकाई के रूप में रखेगा।

(vi) पैकिंग नियंत्रण :—

विनिर्माता निर्यात किए जाने वाले पैकेजों के लिए विस्तृत पैकिंग विनिर्देश अधिकथित करेगा और उनका पूर्णतया पालन करेगा।

(2) निरीक्षण :—निर्यात के लिए आशयित एक्स-रे उपकरणों का निरीक्षण उनका परीक्षण और जाँच करके इस दृष्टि में किया जाएगा कि परेपण अधिनियम की धारा 6 के अधीन केन्द्रीय सरकार द्वारा मान्यताप्राप्त विनिर्देशों के अनुरूप है।

1. निरीक्षण का आधार :—निर्यात के लिए आशयित एक्स-रे उपकरणों का निरीक्षण इस दृष्टि में किया जाएगा कि वे अधिनियम की धारा 6 के अधीन केन्द्रीय सरकार द्वारा मान्यताप्राप्त विनिर्देशों के अनुरूप है ;

(क) यह सुनिश्चित करके किया जाएगा कि विनिर्माण की प्रक्रिया के दौरान नियम 3 के उप-नियम (1) में विनिर्दिष्ट क्वालिटी नियंत्रण का प्रयोग किया गया है ; और

(ख) नियम 3 के उप-नियम (2) के अनुसार किए गए निरीक्षण के आधार पर किया जाएगा।

5. निरीक्षण की प्रक्रिया :—

(1)(क) एक्स-रे उपकरणों का निर्यात करने का इच्छुक कोई भी निर्यातकर्ता ऐसा करने के अपने आशय की लिखित सूचना किसी एक अधिकरण को देगा, और ऐसी सूचना के साथ या तो यह घोषणा करेगा कि एक्स-रे उपकरणों का परेपण नियम 3 के उपनियम (1) में निर्दिष्ट नियंत्रणों के अनुसार क्वालिटी नियंत्रण उपार्यों का प्रयोग करके विनिर्मित किया गया है या किया जा रहा है और परेपण इस प्रयोजन के लिए मान्यताप्राप्त विनिर्देशों के अनुरूप है, और सभी तकनीकी विशेषताओं

11 भाग 11 में दूरी घोषणा करेगा कि ये निर्यात मरिदा में अनुबद्धित अनिवार्य विनिर्देशों के, यदि कोई हो, अनुरूप है जिसमें अधिकरण नियम 3 के उप-नियम (2) के अनुसार निरीक्षण कर सके।

(ख) निर्यातकर्ता ऐसी सूचना की एक प्रति परिपत्र के निकटतम कार्यालय को भी उसी समय भेजेगा।

परिपत्र के कार्यालय के पते निम्नलिखित हैं :—

मुख्य कार्यालय

निर्यात निरीक्षण परिपत्र 'बल्ड ड्रे

सेक्टर' (9वीं मंजिल) 14/1-थी

एकरा स्ट्रीट, कलकत्ता-700001

केन्द्रीय कार्यालय

(i) निर्यात निरीक्षण परिपत्र अमन  
चेम्बर, (5वीं मंजिल),  
113, महावि कार्बे रोड,  
मुम्बई-400004.

(ii) निर्यात निरीक्षण परिपत्र  
मनोहर, बिस्मिल, महान्मा  
गांधी रोड, एरनाकुलम,  
कोचीन 682011

(iii) निर्यात निरीक्षण परिपत्र  
म्युनिमिल मार्केट बिन्डिंग,  
3, सरस्वती मार्ग, करोल  
बाग, नई दिल्ली-110005

(2) निर्यातकर्ता अधिकरण को परेपण पर लगाए जाने वाले पञ्चात्र चिह्न भी देगा।

(3) उपनियम (1) के अधीन प्रत्येक सूचना और घोषणा विनिर्माता या निर्यातकर्ता के परिमर में परेपण के भेजे जाने से कम से कम बीस दिन पूर्व अधिकरण के कार्यालय में अवश्य पहुँच जाएगी।

(4) (क) उप-नियम (1) के अधीन सूचना और घोषणा प्राप्त होने पर अधिकरण नियम 4 के अधीन उपस्थित रूप से निरीक्षण और इस संबंध में परिपत्र द्वारा जारी किए गए विनिर्देशों के, यदि कोई हो आधार पर अपना यह समाधान कर लेने पर कि परेपण का विनिर्माण उसे लागू मानक विनिर्देशों के अनुसार किया गया है बीस दिन के भीतर यह घोषणा करने हुए प्रमाणपत्र जारी करेगा कि एक्स-रे उपकरण का परेपण नियति योग्य है :

परन्तु यदि अधिकरण का इस प्रकार समाधान नहीं होता तो वह उक्त बीस दिन की अवधि के भीतर ऐसा प्रमाणपत्र जारी करने में इकार करेगा और ऐसे इकार की सूचना उसके कार्यों सहित निर्यातकर्ता को देगा।

(ख) निरीक्षण की समाप्ति के पश्चात् अधिकरण यह सुनिश्चित करने के लिए परेपण के पैकेजों को इस ढंग से तुरन्त सीलबंद करेगा कि सीलबंद माल में हस्तक्षेप न किया जा सके। परेपण अस्वीकृत हो जाने की दशा में, यदि निर्यातकर्ता का अभिव्यक्त इच्छा पर परेपण का अधिकरण द्वारा सीलबंद नहीं किया गया है तो ऐसे मामलों में निर्यातकर्ता अस्वीकृत के बिच्छ नियम 8 के अधीन अपील करने का हक्कार नहीं होगा।

3 निरीक्षण या स्थान -- इन नियमों के प्रयोजन के लिए एक-एक उपकरण का निरीक्षण विनिर्माता के परिसर पर ही किया जाएगा।

7 निरीक्षण फीस -- यदि पयन्त निष्पक्ष मन्त्र के प्रत्यक्ष एक मौखिक परीक्षा के लिए फीस के रूप में फीस इन नियमों के अधीन निरीक्षण फीस के रूप में निर्धारित कता द्वारा अधिभारण को ही जायेगा।

8 अपील --

(1) नियम 5 के उप नियम (4) के अधीन प्रमाण-पत्र देने में अधिभारण द्वारा इकार कर दिए जाने में वरिष्ठ कोई व्यक्ति

जैसे इकार को सूचना प्राप्त होने के दस दिन के भीतर इस प्रयोजन के लिए केन्द्रिय सरकार द्वारा नियुक्त अपील पैनल का, जिसमें कम से कम तीन और अधिक से अधिक मान्य होंगे अपील कर सकेंगे।

(2) अपील पैनल की कुल सदस्यता के कम से कम दो निर्धारित सदस्य और सरकारी होंगे।

(3) अपील पैनल की गणपूर्ति तीन से होगी।

(4) अपील प्राप्त होने के 15 दिन के भीतर निपटाई जायेगी।

### अनुसूची

(नियम 1 देखिए)

नियुक्त के स्तर

क्रम सं०	परीक्षण/निरीक्षण की विशेषताएँ	अपेक्षाएँ	निरीक्षण/परीक्षण किए जाने वाले नमूनों की सं०	सॉट आकार आबन्धि	टिप्पणी
1	2	3	4	5	6
1	घरूनी सामग्री				
1.1	रसायन सम्मिश्रण	मानक विनिर्देशों के अनुसार	मानक ए०क्यू० एन० के आधार पर	प्रत्येक परीक्षण	जहाँ उत्पादक के परीक्षण प्रमाण-पत्र द्वारा समर्थित हो वहाँ इन विशेषताओं का मत्यापन पात्र परीक्षणों में कम से कम एक बार अवश्य किया जाएगा।
1.2	याविक गण	—यथोक्त—	—यथोक्त—	—यथोक्त—	
2	सफ्टक				
2.1	कार्यकौशल और फिटिंग	—यथोक्त—	—यथोक्त—	—यथोक्त—	
2.2	विमार्ग	—यथोक्त—	—यथोक्त—	—यथोक्त—	
2.3	रसायन/भौतिक विशेषताएँ	—यथोक्त—	—यथोक्त—	—यथोक्त—	
3	प्रक्रिया नियंत्रण				
3.1	हलवाई				
3.1.1	आधुनिक और विमार्ग	—यथोक्त—	—यथोक्त—	प्रति दिन का उत्पादन	
3.1.2	नवन सामर्थ्य, अतुल्य शक्ति, दीर्घीकरण और कठोरता	—यथोक्त—	—यथोक्त—	—यथोक्त—	
3.1.3	रसायनिक संरचना	—यथोक्त—	—यथोक्त—	—यथोक्त—	
3.1.4	अधीन परीक्षण (जब कभी अपेक्षित हो)	—यथोक्त—	—यथोक्त—	—यथोक्त—	
3.2	यकीकरण				
3.2.1	आधुनिक और विमार्ग	—यथोक्त—	ए०क्यू० एन० मानक के आधार पर	—यथोक्त—	
3.3	बाव				
3.3.1	आधुनिक और विमार्ग	—यथोक्त—	—यथोक्त—	विनिर्माण की एक जैसी घणा के अधीन उत्पादन का प्रत्येक वीथ	

1	2	3	4	5	6
3.4	ताप अभिक्रिया				
3.4.1	तापमान	मानक विनिर्देश के अनुसार	ए०क्यू०एल० मानक के आधार पर	प्रत्येक भरण	
3.4.2	समय	—यथोक्त—	—यथोक्त—	—यथोक्त—	
3.4.3	कठोरता	—यथोक्त—	—यथोक्त—	—यथोक्त—	
3.4.4	चाक्षुष	—यथोक्त—	—यथोक्त—	—यथोक्त—	
3.5	विद्युत लेपन				
3.5.1	उष्मक संकेद्रण	—यथोक्त—	—यथोक्त—	—यथोक्त—	
3.5.2	उष्मक तापमान		—यथोक्त—		
3.5.3	डिपिंग समय		—यथोक्त—		
3.5.4	बोल्टता		—यथोक्त—		
3.5.5	ऐम्पियर		—यथोक्त—		
3.5.6	परीक्षण		—यथोक्त—		
3.5.6.1	लेपन परत की मोटाई		—यथोक्त—		
3.5.6.2	भ्रासंजन		—यथोक्त—		
3.5.6.3	लवण कुटार		—यथोक्त—		
3.6	वैलिंग गढ़ाई				
3.6.1	चाक्षुष	—यथोक्त—	—यथोक्त—	विनिर्माण की एक जैसी	
				वशा के अधीन उत्पादन	
				का प्रत्येक बैच	
3.6.2	विमर्श	—यथोक्त—	—यथोक्त—	विनिर्माण की एक जैसी	
				वशा के अधीन उत्पादन	
				का प्रत्येक बैच	
3.6.3	बैलड परीक्षण	—यथोक्त—	—यथोक्त—	—यथोक्त—	
3.7	संसेवन				
3.7.1	विस्कासिता				
3.7.2	बैकयूम गेज पठन				
3.7.3	समय	—यथोक्त—	—यथोक्त—	—यथोक्त—	
3.7.4	तापमान	—यथोक्त—	—यथोक्त—	प्रत्येक भार	
3.8	डाइकार्बोनिंग				
3.8.1	डाइ और धातु का तापमान	—यथोक्त—	—यथोक्त—	—यथोक्त—	
3.8.2	बुलाई दबाव				
3.8.3	चाक्षुष				
3.8.4	दरार खोज				
3.9	व्यारिक्त करना				
3.9.1	उष्मक संरचना	—यथोक्त—	—यथोक्त—	प्रत्येक भरण	
3.9.2	उष्मक तापमान				
3.9.3	डिपिंग समय				
3.9.4	चाक्षुष				
3.10	सेकना				
3.10.1	तापमान	—यथोक्त—	—यथोक्त—	—यथोक्त—	
3.10.2	संसाधन का समय	—यथोक्त—	—यथोक्त—	—यथोक्त—	
3.11	संमंजन	—यथोक्त—	—यथोक्त—	—यथोक्त—	
3.12	पेंट करना	—यथोक्त—	—यथोक्त—	—यथोक्त—	
3.12.1	ग्राट ब्ल्यास्ट सहित सतह तैयार करना	—यथोक्त—	—यथोक्त—	एक जैसी दशा के अधीन	
				प्रत्येक बैच का उत्पादन	
3.12.2	विष्कामिता	—यथोक्त—	—यथोक्त—	—यथोक्त—	
3.12.3	तापमान				
3.12.4	समय				
3.12.5	भ्रासंजन				
3.12.6	पेंट परत की मोटाई				

1	2	3	4	5	6
4 उत्पाद नियंत्रण					
4.1. प्रकार परीक्षण					
4.1.1 आसुप परीक्षण और निरीक्षण	मानक विनिर्देश के अनुसार	ए०क्यू०एल० के मानक के आधार पर एक जैसी दशा के अधीन प्रत्येक बैच का उत्पादन			
4.1.2 रोधन प्रतिरोध परीक्षण	—यथोक्त—	—यथोक्त—	—यथोक्त—		
4.1.3 उच्च बोल्टता परीक्षण	—यथोक्त—	—यथोक्त—	—यथोक्त—		
4.1.4 लीक करंट परीक्षण	—यथोक्त—	—यथोक्त—		विनिर्माण की एक जैसी दशा के अधीन उत्पादन का प्रत्येक बैच	
4.1.5 भू प्रतिरोध परीक्षण	—यथोक्त—	—यथोक्त—	—यथोक्त—	—यथोक्त—	
4.1.6 एक्स-रे नियंत्रण के लिए संकेतों की शुद्धता के लिए परीक्षण	—यथोक्त—	—यथोक्त—	—यथोक्त—	—यथोक्त—	
4.1.7 एक्स-रे नियंत्रण के लिए आंतरिक तापमान परिवर्तनों सहित वृद्धीकरण के लिए परीक्षण	—यथोक्त—	—यथोक्त—	—यथोक्त—	—यथोक्त—	
4.1.8 एक्स-रे नियंत्रण के लिए पुनः चक्र समय परीक्षण (जहाँ अपेक्षित हो)	—यथोक्त—	—यथोक्त—	—यथोक्त—	—यथोक्त—	
4.1.9 एक्स-रे नियंत्रण के लिए मिली ऐम्पियर वृद्धीकरण परीक्षण	—यथोक्त—	—यथोक्त—	—यथोक्त—	—यथोक्त—	
4.1.10 एक्स-रे नियंत्रण के लिए कालमापी परीक्षण	—यथोक्त—	—यथोक्त—	—यथोक्त—	—यथोक्त—	
4.1.11 एक्स-रे के लिए स्टेटर बोल्टता और करंट परीक्षण	—यथोक्त—	—यथोक्त—	—यथोक्त—	—यथोक्त—	
4.1.12 एक्स-रे नियंत्रण के प्रति बंधन के लिए परीक्षण	—यथोक्त—	—यथोक्त—	—यथोक्त—	—यथोक्त—	
4.1.13 एक्स-रे नियंत्रण के लिए अधिक करंट संरक्षित साधनों का परीक्षण	—यथोक्त—	—यथोक्त—	—यथोक्त—	—यथोक्त—	
4.1.14 टोमोग्राफिक साधन के लिए वस्तुनिष्ठ समतल परीक्षण का अनावरण कोण और स्थिति	—यथोक्त—	—यथोक्त—	—यथोक्त—	—यथोक्त—	
4.1.15 टोमोग्राफिक साधन के लिए समतल परीक्षण की समतलता	—यथोक्त—	—यथोक्त—	—यथोक्त—	—यथोक्त—	
4.1.16 टोमोग्राफिक साधन के लिए टोमोग्राफिक वृद्धता परीक्षण	—यथोक्त—	—यथोक्त—	—यथोक्त—	—यथोक्त—	
4.1.17 टोमोग्राफिक साधन के लिए अंश मोटाई परीक्षण	—यथोक्त—	—यथोक्त—	—यथोक्त—	—यथोक्त—	
4.1.18 टोमोग्राफिक साधन के लिए आकर्षण परीक्षण	—यथोक्त—	—यथोक्त—	—यथोक्त—	—यथोक्त—	
4.1.19 तापमान वृद्धि परीक्षण	—यथोक्त—	—यथोक्त—	—यथोक्त—	एक जैसी दशा के अधीन प्रत्येक बैच का उत्पादन	
4.1.20 एक्स-रे पटल के लिए परीक्षण (चित्रण उपज माप के लिए बी०ए० आर०सी० प्रमाण-यंत्र स्वीकार किया जाएगा)	—यथोक्त—	—यथोक्त—	—यथोक्त—	—यथोक्त—	
4.1.21 दृश्य स्टैंड पर दैनिक परीक्षण	—यथोक्त—	—यथोक्त—	—यथोक्त—	—यथोक्त—	
4.2 दैनिक परीक्षण					
4.2.1 आसुप परीक्षण और निरीक्षण	—यथोक्त—	—यथोक्त—	—यथोक्त—	—यथोक्त—	
4.2.2 रोधन प्रतिरोध परीक्षण	—यथोक्त—	—यथोक्त—	—यथोक्त—	—यथोक्त—	
4.2.3 उच्च बोल्टता परीक्षण	—यथोक्त—	—यथोक्त—	—यथोक्त—	—यथोक्त—	
4.2.4 लीक करंट परीक्षण	—यथोक्त—	—यथोक्त—	—यथोक्त—	—यथोक्त—	
4.2.5 भू प्रतिरोध परीक्षण	—यथोक्त—	—यथोक्त—	—यथोक्त—	—यथोक्त—	
4.2.6 एक्स-रे नियंत्रण के लिए काल-मापी परीक्षण	—यथोक्त—	—यथोक्त—	—यथोक्त—	—यथोक्त—	

1	2	3	4	5	6
4 2 7	एक्स-रे नियंत्रण के लिए स्टेटर कोरेंट और करेंट परीक्षण	मानक विनिर्देशों के अनुसार मानक ए०१५०एल० के आधार पर		एक जैसी दशा को अधीन	
4 2 8	एक्स-रे नियंत्रण के अंत बंधन के लिए परीक्षण	--यथोक्त--	--यथोक्त--	प्रत्येक बंधन का उत्पादन	--यथोक्त--
4 2 9	एक्स-रे नियंत्रण के लिए अधिक करेंट संरक्षक साधनों का परीक्षण (साधन पर अपेक्षित दशा का अनुकरण करने के लिए उपस्कर का प्रयोग किए बिना, परीक्षण के अंत में परिवर्तन किया जाएगा)	--यथोक्त--	--यथोक्त--	--यथोक्त--	
4 2 10	एक्स-रे पटल पर परीक्षण (विकरण उपज परिमाण के लिए सी०ए०आर०सी० प्रमाण-पत्र स्वीकार किया जाएगा)	--यथोक्त--	--यथोक्त--	--यथोक्त--	
5	मौसम सक्षम नियंत्रण				
5 1	आर्गन और गैज जिनके अंतर्गत तापमान गैज, वायु गैज आदि हैं	परिशुद्धता	प्रत्येक	नियमित कालिक भावृत्ति पर	
5 2	जिग और फिक्सचर	--यथोक्त--	--यथोक्त--	--यथोक्त--	
6	पैकिंग				
6 1	रूपरंग	--यथोक्त--	--यथोक्त--	प्रति परेक्षण	
6 2	पात परीक्षण	--यथोक्त--	--यथोक्त--	प्रति परेक्षण	
6 3	रोलिंग परीक्षण	--यथोक्त--	एक	--यथोक्त--	
6 4	जल फुहार परीक्षण	--यथोक्त--	एक	प्रति डिजाइन	

\*पैकेज की फिनिश अच्छी की जाएगी और देखने में सुन्दर होगा।

पैकेजों में रखी अंतर्वस्तु इस प्रकार से पैक की जाएगी कि वह नीचे दिए गए पात परीक्षण, रोलिंग परीक्षण और जल फुहार परीक्षण का सहन कर सके।

(i) पात परीक्षण (केवल 37 कि०ग्रा० तक के भार तक निर्बन्धित होगा) 150 सें०मी० की ऊँचाई से गिराया जाने वाला पैकेज एक बार बड़ी समतल सतह पर एक बार लम्बे किनारे पर और एक बार उभरे किसी भी किनारे पर गिराया जाएगा।

(ii) रोलिंग परीक्षण (केवल 500 कि०ग्रा० तक के भार तक निर्बन्धित होगा) रोलिंग करने के लिए पैकेज को इसके किसी भी ओर 6 मीटर घाते की तरफ तथा 6 मीटर पीछे की तरफ या 12 मीटर एक ही तरफ रोल किया जाएगा।

(iii) जल फुहार परीक्षण--पैकेजों को पांच मिनट के लिए सामान्य आकस्मिक मानसून बोझार के समतुल्य जल फुहार में रखा जाएगा।

## उपाखण्ड-II

एक्स-रे यंत्र के लिए न्यूनतम विनिर्देश

### 1 परिभाषा:

ऐसे विद्युत साधनों का समंजन जो फ्लोरोस्कोपी और रेडियोग्राफी के प्रयोजन के लिए एक्स-रे ट्यूब के संचालन का नियंत्रण और उसे क्रियाशील करने के लिए आवश्यक है।

### 2 भौतिक और यांत्रिक अपेक्षाएँ:

2.1.1 एक्स-रे यंत्र में सदैव ऐसी सामग्री प्रयोग में लानी चाहिए जो विशेष प्रयोग के लिए उपयुक्त है और इस विशेष यंत्र के लिए उपयुक्त कार्यक्षमता और एकरूपता के साथ बनी और परिष्कृत होनी चाहिए।

2.1.2 संलग्न प्लग, परिपथ रोधक, तार फ्यूज होल्डर, फ्यूज लैम्प होल्डर, मोटर चालित संघटकों, पास, स्विच आदि जो एक्स-रे यंत्र के पुर्जों के रूप में लगाए जाते हैं, विशेष प्रयोग के लिए उनकी उपयुक्तता देखी जाएगी और वे संविदात्मक अपेक्षाओं के अनुसार उचित सुसंगत मानकों के अनुरूप होंगे।

2.1.3 एक्स-रे उपकरण इस प्रकार बनाया और समजित किया जाएगा कि उसमें उसके पूर्णरूप से या आंशिक रूप से बंद होने के परिणामस्वरूप होने वाली जगहों की कमी, पुर्जों के ढीले होने या हटाए जाने या अन्य गंभीर दोषों के कारण, अग्नि सफट को बढ़ाए बिना उसके दुरुपयोग को, जो उसका हो सकता है, सहन करने की आवश्यक मजबूती और क्षमता हो। घेरे इस प्रकार बनाए जाएंगे या धक्केरोधकों को इस प्रकार व्यवस्था की जाएगी कि उपकरण के बंद हो जाने के परिणाम स्वरूप सहारा देने वाली सतह को विपरीत सामग्री या चिंगारियों से लग सकने वाली अग्नि से सुरक्षित किया जाए। अग्निरोधी सतह सतह के लिए समान्यतः ढलवां धातु मोटाई में 3 मि० मी० से कम नहीं होनी चाहिए सिवाय इसके कि आघातवर्धनीय लोहा मोटाई में 2.3 मि० मी० से कम न हो और फंफा ढलवां धातु मोटाई में 2 मि० मी० से कम न हो। यदि सतह टेढ़ी पट्टीदार या अन्यथा प्रबलित हो या यदि आकृति और या सतह का आकार ऐसा हो कि पर्याप्त यांत्रिक क्षमता का प्रबल किया जाता है तो 1.5 मि० मी० और 1.2 मि० मी० की अनुसूच मोटाई स्वीकार्य है।

2.1.5 एक्स-रे यंत्र के लिए घेरे के रूप में लगी चादर धातु की मोटाई ऐसी होनी चाहिए या ऐसी बनी हुई या पुनः प्रवर्णित होगी कि उसकी मजबूती या कठोरता उस समतल धातु चादर जिसकी औसतन मोटाई 0.6 मि० मी० से कम नहीं होनी चाहिए।

2.1.6 धातु से बिस्म सामग्री का घेरा उस वंश में स्वीकार्य हो सकता है जब इसमें यांत्रिक मजबूती संधान का प्रतिरोध, अवाहयता और इसके प्रयोग के लिए अन्य उपयुक्त गुण हों।

2.1.7 उच्च बोल्टता यंत्र जिसमें तेल हो, लकड़ी के बक्सा में नहीं लगाया जाएगा।

2.1.8 उपकरण के विद्युत के पुर्जों इस प्रकार से रखे जाएंगे या उनका घेरा इस प्रकार का होगा कि उनका क्रियाशील धातु के पुर्जों के साथ जो विद्युत रोधन नहीं है आवश्यक सम्पर्क से बचाव हो जाए।

2.1.9 एक्स-रे ट्यूब सहित उपकरण के सभी उच्च बोल्टता पुर्जों धातु से बने हुए ऐसे घेरे में रखे जाएंगे जिसमें भू सम्पर्क की व्यवस्था हो या ऐसे घेरे में रखे जाएंगे जिसमें उपयुक्त विद्युतरोधन सामग्री लगी हो।

2.1.10 किसी भी घेरे में प्रवेश द्वार की स्थिति और उसका आयाम ऐसा होगा कि उपकरणों के ऊपरी कितारे के लिए स्वतंत्र और सीधे रूप से निलंबित परीक्षण पिन और उपकरण के शेष किनारों को खोलने के लिए परीक्षण श्रृंगुली विद्युत क्रियाशील पुर्जों के सम्पर्क में न आए। तदनुसार परीक्षण पिन श्रृंगुली नीचे दिए गए आकारों के अनुसार होगी।

2.1.11 संपर्क होने से बचने के लिए उपकरण के गतिमान पुर्जों की इस प्रकार व्यवस्था सुरक्षा की जाएगी कि प्रचालन क्षति में न पड़े।

2.1.12 ऐसे उपकरण जिनका बोल्टता में समायोजन किया जा सकता है इस प्रकार बनाए जाएंगे कि बोल्टता विन्यास का आकस्मिक परिवर्तन असंभव हो।

2.1.13 उपकरणों की संरचना इस ढंग से की जाएगी कि सुरक्षात्मक पुर्जों के लिए विन्यास का अनाशयित परिवर्तन और तापस्थायी का विन्यास, स्थापित पुनः विन्यास से तापस्थायी वियोजन और हस्तचालित पुनः विन्यास से तापस्थायी वियोजन असंभव हो।

2.1.14 उपकरण में ऐसी युक्ति लगी होगी जिसके माध्यम से यह सभी पोलों पर मुख्य तार से अलग किया जा सके।

2.1.15 उन पुर्जों को धीजरो की सहायता के बिना हटाना संभव नहीं होगा जो मौसमी प्रभावों से अपेक्षित मात्रा में सुरक्षा सुनिश्चित करने हेतु।

2.1.16 उपकरण इस ढंग से बनाया जाएगा कि इसके विद्युत रोधन पर ठंडी सतहों पर पक्षों, तारों, संयोजनों और इसी प्रकार से पानी के रगने से होने वाले जल संक्षमन से प्रतिकूल प्रभाव न पड़े।

2.1.17 ऐसे प्रवर्तक पुर्जों को गलत स्थिति में लगाना संभव नहीं होगा जो स्थितियों का विन्यास या उद्दिष्ट साधनों को दर्शाते करते हैं जिसका गलत प्रयोग, गलत विन्यास रांसी या प्रयोग करने वाले के लिए या उन प्रवर्तक पुर्जों के लिए, जिन्हें प्रयोग के दौरान हटाना आवश्यक हो खतरे का कारण बन सकता है, (उदाहरण के लिए मुख्य स्विच परिपथ रोध या शक्ति नियंत्रण)।

2.1.18 स्विच, लैम्प होल्डर संयोजन प्लग, पात्र के साथ प्लग संयोजन या ऐसे ही उपकरण सावधानी पूर्वक लगाए जाएंगे और सतहों के बीच घर्षण के किसी माध्यम के द्वारा घुमाव से सुरक्षा की जाएगी।

2.1.19 यदि अनुरोधन या मरम्मत करने के दौरान यह खतरा है कि उसका प्रतिस्थापन व्यवसायी धातु पुर्जों के द्वारा किया जा सकता है और इससे सुरक्षात्मक रोधन या प्रवर्तित रोधन पर प्रतिकूल प्रभाव पड़ता है तो रोधन सामग्री के पेचों, वाशर और छिदरी का प्रयोग नहीं किया जाएगा।

2.1.20 उष्मारोधी आंतरिक तारों पर सुरक्षात्मक नली का प्रयोग

केवल अनुपूरक विद्युत रोधन के रूप में किया जाएगा और उचित माध्यमों द्वारा ठीक स्थिति में रखा जाएगा।

2.1.21 प्लोरोकापी पदों या भी एक्स-रे यंत्र पर लगाए जाएंगे उन पर प्रकाशरोधी आवरण होगा।

2.2 विकिरण सुरक्षा।

2.2.1 विकिरण सुरक्षा अन्तराष्ट्रीय विद्युत आयोग प्रकाशन 407 के अनुसार होनी चाहिए (भा० भा० विनियम 7064 अन्तराष्ट्रीय विद्युत आयोग 407 की मटीक प्रति है)।

2.3 जंग सुरक्षा:

2.3.1 योद्धा, हस्पात, एर्युमिनियम और किसी अन्य धातु के पुर्जों इनेमल, पेंटिंग गाल्वनीकरण, पत्तर या अन्य समतुल्य उपायों द्वारा जंग लगने से सुरक्षा की जाएगी। आसंजन और तेलन मोटाई के लिए विनिर्माण परिसर में आवश्यक परीक्षण किए जाएंगे।

2.3.2 साधारण प्रयोग में द्रव पदार्थ के छलकने वाले उपकरण की संरचना इस ढंग से की जाएगी कि इसकी विद्युत उष्मारोधन पर ऐसे छलकने से प्रतिकूल प्रभाव न पड़े।

2.3.3 बैटरी वाले उपकरणों का इस ढंग से निर्माण किया जाएगा कि उष्मारोधन पर अम्ल और क्षार के रिसने से प्रतिकूल प्रभाव नहीं पड़े।

2.3.4 उपकरण के सभी अनावरित जिनके अंतर्गत विद्युत पुर्जों हैं दृश्यमान कवच से मुक्त होंगे।

2.4 तापमान वृद्धि:

एक्स-रे उपकरण की संरचना में प्रयुक्त सामग्री पर सामान्य प्रचालन की किसी भी स्थिति में और सामान्य अक्रियता की (12 घंटे) की स्थिति में प्राप्त तापमान द्वारा प्रतिकूल प्रभाव नहीं पड़ेगा। विभिन्न भागों और सामग्री के तापमान में वृद्धि नीचे दी गई सारणी I में दिए गए मानों से अधिक नहीं होंगी।

#### सारणी-I

एक्स-रे उपकरण की संरचना में प्रयोग में लाए गए पुर्जों और सामग्री की अधिकतम तापमान वृद्धि।

अ०सं० सामग्री और संघटक पुर्जों तापमान में अधिकतम वृद्धि सें० ग्रे०

1. ताइफ, स्विच, ब्लेड और संपर्क हुन	15
2. रबर या थर्मोप्लास्टिक उष्मा रोधन	20
3. पटवित संपर्क	35
4. संयोजी छहें और सिरे	35
5. वार्निश कपड़ा और ग्रेस बोर्ड	45
6. ठोस संपर्क	50
7. फ्यूज	50
8. लकड़ी	50
9. विद्युत रोधन के रूप में प्रयुक्त फाइबर	60
10. विद्युत रोधी के रूप में कार्यरत फिजिकल सम्मिश्रण	95
11. बाहरी केमिंग जिसके अंतर्गत हेल्डल नहीं है जो साधारण प्रयोग के दौरान निरन्तर पकड़ा जाता है।	45
12. नाब, हेल्डल, सीवर यादि जिन्हें प्रचालन के दौरान निरन्तर पकड़ा जाता है।	
(i) धातु	15
(ii) अधातु	25

## 13. संभारित्र

## अंकित सीमा

टिप्पण: रखर या थर्मोप्लास्टिक उष्मा रोधन और किनालिक सम्मिश्रण पर ये सीमाएं ऐसा सम्मिश्रण करने के लिए लागू नहीं होंगी। जिनके बारे में प्रन्वेषण कर लिया गया है और यह मान्यता दी गई है कि उनमें विशेष उष्मा प्रतिरोध गुण है।

## 2.5 प्रदाय संपर्क

2.5.1 भा०मा०: 694 (भाग 1)—1964 के अनुरूप उष्मारोधी पी० धी० सी० लचीली तार उपर्युक्त संपर्क के लिए प्रयुक्त की जाएगी।

2.5.2 लचीली तार पर यांत्रिक दबाव को सिरों, जोड़ों या भ्रान्तरिक तारों पर संचारित करने से बचने के लिए बाह्य सहायता दी जाएगी। धागे से गांठने या बांधने जैसी बाह्य सहायता युक्ति स्वीकृत नहीं होगी।

2.5.3 स्थिर संस्थापन से स्थायी संपर्क के लिए प्राणयित उपकरण में लेड एन्ट्री कन्ड्यूट एन्ट्री या उचित आकार के रोण्ड लगे होंगे।

2.5.4 स्थायी स्थिर संपर्क के लिए उपकरण में ऐसे सिरों होंगे जिनसे पेचों या दिबरी द्वारा संपर्क किया जा सकता है।

2.5.5 सिरों इस प्रकार सुरक्षित किए जाएंगे कि जब वे कसे या ढीले किए जाएं तो वे कार्य न कर सकें भ्रान्तरिक वायरिंग पर दबाव नहीं पड़े और वे बिस्तीर्णन पथ और वायु में दमक विसर्जन दूरियां घटाई न जा सकें।

2.5.6 सिरों इस प्रकार से बनाए जाएंगे कि कंडक्टर, कंडक्टरों को बिना कोई हानि पहुँचाए धातु सतहों के मध्य पर्याप्त संपर्क दबाव से जकड़े हुए हों।

2.5.7 वोल्ट लगे सिरों में उचित आकार के वाशर लगे होंगे।

2.5.8 मुखा तार के सिरों जिनके अन्तर्गत कंडक्टर सिरों भी हैं आकाशीय रूप में ढकट्टे रखने की व्यवस्था की जाएगी।

2.5.9 जोड़ (कनेक्शन) सिरों तक पहुँचे बिना किसी औजार के नहीं होगी बाहे उनके क्रियाशील पुर्जों तक पहुँच न हो सके। जोड़ (कनेक्शन) सिरों की व्यवस्था इस प्रकार की जाएगी जिससे क्रियाशील और धातु के सुगम पुर्जों के बीच भ्रान्तरिक संपर्क होने का कोई खतरा न हो। यदि कोई संपर्क (कनेक्शन) नहीं है तो मानक कंडक्टर का एक तार का सिरों से संपर्क नहीं होना चाहिए।

2.5.10 कनेक्शन सिरों (जोड़ केन्द्रों) के पेच इस प्रकार लगाए जाएंगे कि यदि वे ढीले किए जाएं तो संभवतः उनका संपर्क किसी सुगम धातु पुर्जे या उससे जुड़े किसी धातु पुर्जे से न हो।

## 2.6 वायरिंग और वायरिंग सिरों

2.6.1 वायरिंग तथा भ्रन्तः संयोजन तारों में करंट ले जाने की हदनी क्षमता होगी जो उसके तत्पमान लम्बी रेटिंग के उपकरणों के विभिन्न परिपथों द्वारा ले जाने वाली अधिकतम करंट से कम न हो।

2.6.2 उष्मारोधी कंडक्टर तेल, ग्रीस, तैलीय कण इस प्रकार से खुला नहीं रखा जाएगा या अन्य किसी तत्व के, जिसका उष्मारोधी पर प्रतिकूल प्रभाव पड़ सकता है, साथ सम्पर्क कर सके जब तक कि ऐसे उष्मारोधी मिश्रण को यह मान्यता न दी गयी हो कि वह ऐसे प्रयोग के लिए उचित है।

यदि उसका तेल से भरे घेरे से सम्पर्क होता है तो यह गममा जाना है कि कंडक्टर तेल से सम्पर्क करने के लिए सारक्षित है जब तक कि उस घेरे को पूर्णतः से सीलबंद नहीं कर दिया जाना है।

2.6.3 वह घेरा जिसमें तारें रखी गयी हैं चिकना और तेज किनारों, गड़बड़ों, पिन्, चालू पुर्जों प्रावि से पूर्णतः होगा जो कंडक्टरों पर विद्युत रोधन के अपघर्षण का कारण बन सकते हैं।

2.6.4 भ्रान्तरिक वायरिंग के लिए एल्यूमिनियम के कंडक्टरों का प्रयोग नहीं किया जाना चाहिए।

## 2.7 क्रियाशील धातु के पुर्जों

2.7.1 एक-रे उपकरण को प्रोम या घेरे के किसी भी भाग को करंट ले जाने वाले भाग के रूप में प्रयुक्त नहीं किया जाएगा सिवाय उन द्युब सीधों के जिनका भूसंपर्क किया गया है।

2.7.2 क्रियाशील धातु के पुर्जों को जो उष्मारोधी नहीं है ऊपरी और नीचे की सतह से इस प्रकार सुरक्षित किया जाएगा कि उन्हें ऐसी अवस्था में घूमने या बदलने से बचाया जाए यदि ऐसी स्थिति का परिणाम यह हो सकता है कि उनके बीच अपेक्षित न्यूनतम से कम हो जाए।

2.7.3 सतहों के बीच में बर्षण क्रियाशील धातु के पुर्जों को घूमने से बचाने के लिए साधन के रूप में स्वीकृत नहीं किया जाएगा किन्तु इस प्रयोजन के लिए उचित रूप से लागू उपयुक्त लोक वाशर स्वीकृत किया जा सकता है।

## 2.8 जगह

2.8.1 यदि सिरा समान सतह में है तो फिटिंग वायरिंग सिरों के बीच जगह 6 मि० मी० से कम नहीं होगी।

2.8.2 वायु के माध्यम से या सतह के ऊपर से क्रियाशील धातु के पुर्जों जो उष्मारोधी नहीं है और धातु के घेरे की दीवारों के बीच (जिनके अंतर्गत शकट मशी के लिए फिटिंग या कवचित केबिन भी हैं) 10 मि० मी० से कम नहीं होगा। इसके आकार, रूप या प्रयुक्त सामग्री के कारण क्रियाशील धातु पुर्जे, जो उष्मारोधी नहीं है और घेरे के बीच इससे अधिक जगह की अपेक्षा हो सकती है यदि इनकी जगह को सुनिश्चित करने के लिये घेरे का कड़ाई से पालन करना आवश्यक न हो।

सानक शक्ति और नियंत्रण पथों में बिरोधी ध्रुवणा के क्रियाशील धातु पुर्जों के बीच, जो उष्मारोधी नहीं है और क्रियाशील धातु पुर्जे, जो उष्मारोधी नहीं है और घेरे से भिन्न भूमिक किए हुए या भ्रक्षित क्रियाशील धातु पुर्जे जो उष्मारोधी नहीं हैं के बीच अंतराल उससे कम नहीं होगा, जो सारणी 2 में वर्णित है।

## सारणी 2 अंतराल

विभव उर्जा, वोल्ट में	न्यूनतम अंतराल वायु द्वारा	मि० मी० में ट्रांस- फार्मर तेल द्वारा
0 से 50	1.6	1.8
51 से 150	3.2	1.8
151 से 300	6.4	1.6
301 से 600	12	1.8

ऊपर विनिर्दिष्ट न्यूनतम अंतराल स्थितियों, सैप होल्डरों, द्युबों और सिरा पट्टियों, द्युब साकेटों और विभवभाषी पर लागू नहीं होगी इनके लिए अंतराल यह होगा जो सुसंगत विनिर्देशों में दिया गया है।

## 2.9 भूसंपर्क

एक्स-रे उपकरण में सभी अरक्षित अभियांत्रिकी धातु के पुर्जों का भूसंपर्क करने की व्यवस्था होगी। उपकरण पर भूसंपर्क का चिन्ह होगा और उपकरण पर समाप्त किए गए भूसंपर्क कंडक्टर का रंग हरे पीले रंग के मिश्रण जैसा होगा ऐसे रंग मिश्रण का प्रयोग किसी अन्य प्रयोजन के लिए उपकरण की कार्यरिग करने के लिए नहीं किया जाएगा। भूसंपर्क कंडक्टर और सिर के सभी पुर्जें जग से सुरक्षित होंगे।

## 2.10 एक्स-रे पटल

2.10.1 पटल के ऊपर की सामग्री एक ही घनत्व की होगी और जब पद (स्क्रीन) पर एक्स-रे देखा जाए तो कोई परछाई नहीं देगा और फोटोरोस्टोपिक या रेडियोग्राफी परीक्षण में बाधा डालने के लिए कोई भी खाली स्थान या बाहरी सामग्री नहीं होगी।

2.10.2 पटल की ऊपरी सतह ऐसी सामग्री से बनी होगी जो साबुन से ठंडे पानी से धाई जा सके। इसका विशेष रेडियोग्राफी परीक्षण में प्रयुक्त रसायन/रंग सामग्री प्रयोग करने पर कोई हानिकारक प्रभाव नहीं होगा।

2.10.3 पटल के ऊपर का फिल्टरन विनिर्दिष्ट होगा और 80 के बी० पी० पर एल्यूमिनियम के एक मिलिमीटर से अधिक नहीं होगा। पटल की ऊपरी सतह जब उसकी वास्तविक जांच की जाए तब वह 100 कि० ग्रा० का भार क्षैतिज स्थिति में ऊपरी सतह के बीच बिना किसी झोल के बहन करने योग्य होगी।

2.10.4 मोटर से चलने वाला पटल बैसिस टिल्ट की किसी भी स्थिति से पटल के सिरे पर 100 कि० ग्रा० का भार उठाने योग्य होगी।

2.10.5 ब्रेक इस प्रकार व्यवस्थित की जाएगी कि पटल के सिरे पर नापा गया 90° उन्नयन से क्षैतिज की ओर 20 मि० मी० से अधिक न हो।

2.10.6 अपवाह जहां पटल की मोटर में गतिरोधन नहीं है वहां सीमा स्विच दूरी के अंत से कुछ पहले ही मोटर परिपथ को खोलने के लिए व्यवस्थित किए जाएंगे ताकि पटल के किनारे घासानों से अन्न तक जा सके। यह स्थिति तब लागू होगी जब बैमिया मोटर बंद किए बिना एक सिरे से दूसरे तक चम रहें हों। विद्युत प्रवाय में बाधा होने पर निष्क्रियता-त्वक राधन या तो सीमा स्विच द्वारा या प्रचालन स्विच द्वारा तुरन्त हो जाएगा। (स्वचालित रोधन का प्रयोग न करने से उपकरण की सुरक्षा को खतरा हो सकता है)।

2.10.7 बैसियो की सभी स्थितियों में स्क्रीन फ्रेम या स्पॉट फिल्मो उपकरण पटल की ऊपरी सतह के साथ प्रत्येक 300 मि० लि० मीटर के लिए 3.00 मि० मीटर तक की सीमा के अधीन रहने हुए समानांतर और समान होंगी।

2.10.8 विनिर्माता नीचे दी गई सारणी में सूचित के अनुसार झुकी हुई टेबल के लिए बंद और खुले तारों द्वारा स्क्रीन स्पॉट फिल्म यान और झुके हुए पटल में बकी के लिए न्यूनतम स्थिर गति पर अधिकतम कर्षण अर्थात् धर्षण पर नियंत्रण करने के लिए कि० ग्रा० में दबाव विनिर्दिष्ट करेगा

पुर्जे	क्षैतिज स्थिति में पटल बंद तापे खुले तापे	ऊर्ध्वाधर स्थिति में पटल बंद तापे
स्क्रीन/स्पॉट फिल्म यान	खुले तापे	
अनुलम्ब गति		
आड़ी गति		
सम्पीडक गति		
बाकी अनुलम्ब		

2.10.9 पद/स्पॉट फिल्म उपकरण और बाकी की अधिकतम गति विनिर्माता द्वारा निम्नलिखित सारणी के अनुसार विनिर्दिष्ट की जाएगी। पुर्जे

पदी (स्क्रीन) स्पॉट फिल्मो उपकरण	अनुलम्ब - मि०मी०
	आड़ी - मि०मी०
	सम्पीडन - मि०मी०
	देशान्तरीय - मि० मी०

2.10.10 पदी (स्क्रीन) फ्रेम या स्पॉट फिल्मो उपकरण द्यूब के भीरों के साथ इस ढंग से जोड़ा जाएगा कि दोनों एक साथ मजबूती से चल सकें।

## 2.11 द्यूब स्टैंड

2.11.1 द्यूब फोकस की धरातल से अधिकतम और न्यूनतम दूरी विनिर्दिष्ट की जाएगी।

2.11.2 द्यूब फोकस की अधिकतम अनुलम्ब गति विनिर्दिष्ट की जाएगी।

2.11.3 फोकस की अधिकतम और न्यूनतम आडा दूरी विनिर्दिष्ट की जाएगी।

2.11.4 अधिकतम कर्षण धर्षात् न्यूनतम स्थिर गति पर धर्षण पर नियंत्रण करने के लिए कि० ग्रा० में दबाव निम्नलिखित सारणी के अनुसार विनिर्दिष्ट किया जाएगा :—

गति	कि० ग्रा० दबाव
ऊर्ध्वाधर	बंद तापा खुला तापा
आड़ा	

2.11.5 प्रतिभार केबल के मुड़ जाने की दशा में एक सुरक्षा ताला लगाया जाएगा ताकि द्यूब अचानक संभान के साथ नहीं गिर जाती है जिससे रंगी को खतरा हो और द्यूब का भी नुकसान नहीं पहुँचे।

## 2.12 समांतरिक

2.12.1 विभिन्न दूरियों पर एक्स-रे को सक्रिय किए बिना जिस पर मामास्यता रेडियोग्राफ लिए जाते हैं, लगभग विकिरित क्षेत्र का पता लगाने के लिए चाक्षुष माधनों की व्यवस्था की जाएगी।

2.12.2 जहां खोलकर रखने वाले क्षेत्र का पता लगाने के लिए प्रकाश पुर्जों या अन्य चाक्षुष माधनों की व्यवस्था है वहां उपर्युक्त क्षेत्र 1 मी० दूरी पर वास्तविक खुले क्षेत्र से अधिक कम से कम 2 मि० मी० अधिक होगा।

2.12.3 केंद्रीय पुज फिल्म पद (स्क्रीन) के केंद्रों के अनुसंधान होंगे।

## 3 चिन्ह

3.1 उपस्कर के मुख्य भाग पर, प्रायः वह भाग जिसमें अंतर्गत मुख्य तार कनेक्शन है निम्नलिखित के अनुसार स्थायी और स्पष्ट रूप से उत्कीर्ण लेख किए जाएंगे।

- उत्कलि चिन्ह (विनिर्माता) समजक या आयापकर्ता का नाम और अवस्थिति।
- प्रकार अतिधान और सबिखन सख्या
- अनुमत बोल्टना या अनुमत बोल्टना (न) और करंट का प्रकार और
- अनुमत आवृत्ति या अनुमत आवृत्ति पराम

## 3.2 प्रत्येक उपकरण के साथ निम्नलिखित जानकारी दी जाएगी:-

- (क) उपकरण का साधारण विवरण
- (ख) जलित की विशेषताएं
- (ग) द्यूबों की संख्या
- (घ) नियंत्रणों के व्योरे
- (ङ) मारणी का विवरण, और
- (च) अन्य उपसाधनों का व्योरे।

## 3.3 प्रत्येक एक्सरे उपकरण के साथ निम्नलिखित व्योरे दिए जाएंगे:-

- (क) निर्देशिका जिसमें प्रचालन अनुदेश होंगे
- (ख) धनुरक्षण निर्देशिका
- (ग) पुर्जों की सूची, और
- (घ) परिपथ चित्र।

3.4 यदि उपकरण की रेटिंग के संगत वीधकालिक और क्षणिक करंट या वोल्टता एम्पियर रेटिंग या दोनों हैं तो चिह्नानक के संगत दोनों प्रकार की रेटिंग होगी और प्रत्येक स्पष्ट पढ़ाना जाएगा।

3.5 स्विचों या विन्यास साधनों का इस ढंग से प्रबंध या चिह्नानक किया जाएगा कि वे स्पष्ट रूप से यह पढ़ाना जा सके कि उन्होंने उपकरण के कौन से पुर्जों को स्विच या उसका विन्यास किया है। चिन्ह भाषा, राष्ट्रीय मानकों या इसी प्रकार के ज्ञान के बिना भी जहां तक संभव हो पढ़ाने योग्य होंगे। यदि स्विच की स्थिति विशिष्ट ढंग में प्रत्यक्ष रूप से चिह्नित है तो चिह्नानक छोड़ा जा सकता है उदाहरणतया, छोक चिह्नों के द्वारा।

3.6 स्विचों के लिए सभी चिन्ह संसदीय विद्युत आयोग प्रकाशन 601-1-परिशिष्ट घ के अनुसार होंगे।

## 4 परीक्षण के प्रकार

4.1 साधारण परीक्षण दो श्रेणियों में बांटे गए हैं अर्थात् प्रकार परीक्षण और दैनिक परीक्षण

## 4.1.1 निम्नलिखित प्रकार परखे जाएंगे:

- (1) वाक्षुष परीक्षण और निरीक्षण
- (2) रोधन प्रतिरोध परीक्षण
- (3) उच्च बोल्टता परीक्षण
- (4) लीक करंट परीक्षण
- (5) भू प्रतिरोध परीक्षण
- (6) एक्सरे नियंत्रण के लिए संकेतों की शुद्धता
- (7) एक्सरे नियंत्रण के लिए आंतरिक तापमान परिवर्तनों सहित दृष्टिकोण के लिए परीक्षण
- (8) एक्सरे नियंत्रण के लिए पुनः चक्र समय परीक्षण (जहां अपेक्षित हो)
- (9) एक्सरे नियंत्रण के लिए मिली एम्पियर दृष्टीकरण परीक्षण
- (10) एक्सरे नियंत्रण के लिए कालमापी परीक्षण।
- (11) एक्सरे नियंत्रण के लिए स्टेटर बोल्टता और करंट परीक्षण
- (12) एक्सरे नियंत्रण के लिए अन्तः बंधन के लिए परीक्षण
- (13) एक्सरे नियंत्रण के लिए अधिक करंट सुरक्षात्मक साधनों का परीक्षण
- (14) टोमोग्राफिक साधन के लिए वस्तुनिष्ठ समतल परीक्षण का प्रनावरण कोण और स्थिति
- (15) टोमोग्राफिक साधन के लिए समतल परीक्षण की समतलता।
- (16) टोमोग्राफिक साधन के लिए टोमोग्राफिक दृष्टा परीक्षण
- (17) टोमोग्राफिक साधन के लिए अंग मोटाई परीक्षण
- (18) टोमोग्राफिक उपायों के लिए आवर्धन परख
- (19) तापमान वृद्धि परीक्षण
- (20) एक्सरे पटल के लिए परीक्षण विकिरण उपज माप के लिए बी० ए० आर० सी० प्रमाण-पत्र स्वीकार किया जाएगा।

## (21) द्यूब स्टैंड पर परीक्षण

## 4.1.2 दैनिक परीक्षण निम्नलिखित होंगे

- (1) वाक्षुष परीक्षण और निरीक्षण
- (2) रोधन प्रतिरोध परीक्षण
- (3) उच्च बोल्टता परीक्षण
- (4) लीक करंट परीक्षण
- (5) भू प्रतिरोध परीक्षण
- (6) एक्सरे नियंत्रण के लिए कालमापी परीक्षण
- (7) एक्सरे नियंत्रण के लिए स्टेटर बोल्टता और करंट परीक्षण
- (8) एक्सरे नियंत्रण के लिए अन्तः बंधन का परीक्षण
- (9) एक्सरे नियंत्रण के लिए अधिक करंट सुरक्षा साधनों का परीक्षण (साधन पर अपेक्षित दशा का अनुकरण करने के लिए उपकरण का प्रयोग किए बिना परीक्षण के ढंग में परिवर्तन किया जाएगा)
- (10) एक्सरे पटल पर परीक्षण विकिरण उपज माप के लिए बी० ए० आर० सी० का प्रमाण-पत्र स्वीकार किया जाएगा।

## 5. परीक्षण

## 5.1 लीक करंट परीक्षण--

साधारण प्रयोग में यूज लीक, करंट अधिक नहीं होगा। लीके लिखी सीमाएं अधिकतम हैं:

- (1) सुवाक्ष एक्सरे जलितों के लिए 0.300 मीटर ए
- (2) मोबाइल उपकरणों के लिए—5ए परन्तु जब लीक करंट 0.5 से अधिक होता है तब अतिरिक्त सुरक्षात्मक कंडक्टर की व्यवस्था की जाएगी।
- (3) स्थायी रूप से लगे हुए एक्सरे उपकरण के लिए जहां सुरक्षात्मक कंडक्टर पर पूर्णरूप से वियोजित नहीं किया जा सकता है जहाँ—10 मीटर<sup>3</sup> परन्तु यह तब जब घेरे की लीक करंट 0.5 मी० ए से अधिक न हो।

मापों की अपनई जाने वाली अंतराष्ट्रीय विद्युत आयोग—601-1 के अनुसार होगी। समतुल्य (भा० मा० इस्तांबुल ई टी डी सी—50 (1965) एफ है।

## 5.2 भू प्रतिरोध परीक्षण

6 V से अधिक बिना लीड बोल्टता के साथ करंट स्रोत से 10 एफ का एक करंट सुरक्षात्मक कंडक्टर सिरे या संरक्षात्मक सम्पर्क और प्रत्येक प्राप्य धातु के पुर्जों के बीच से गुजारा जाता है। संरक्षात्मक कंडक्टर सिरे या संरक्षात्मक सम्पर्क और प्राप्य धातु के पुर्जों के बीच हुई बोल्टता पात को नापा जाता है और करंट तथा बोल्टता के पात से प्रतिरोध निर्धारित किया जाता है। यह 0.2 ओ एच एम एम से अधिक नहीं होगा।

## 5.3 कालमापी परीक्षण

5.3.1 एक्सरे उपकरण के लिए कालमापी क्षमता (कि० वाट उत्पादन) और जलित के उपकरण, न्यूनतम समय विन्यास, गलतियों और उष्मा बनाने की प्रणाली और ए० सी० चक्र पर या अन्यथा एक्सरे द्यूब के प्रदाय परिपथ के लोडने पर निर्भर करते हुए उनकी विन्यास

अपेक्षाओं के अनुरूप विनिर्दिष्ट द्वारा विनिर्दिष्ट के रूप में वर्गीकृत किए जाएंगे।

प्रकार न्यूनतम समय अधिकतम क्षुब्धता संपर्क बनाने/तोड़ने की प्रणाली

0.2 0.2  
सेकेंड सेकेंड में  
तक बाहर

ठोस अवस्था या इलेक्ट्रॉनिक ट्यूब या कम संयोजक सहित इलेक्ट्रॉनिक कालमापी 0.01 + 2 मीटर  $\pm 2\%$  ए० सी० चक्र पर जोरो विद्युत डिग्री में लगभग 1 या 2 मीटर

यांत्रिक संयोजकों सहित इलेक्ट्रॉनिक कालमापी 0.02 सेकेंड  $\pm 5\%$  यथोक्त  $\pm 1$  या कम

इलेक्ट्रॉनिक या तुल्य कालिक कालमापी 0.1 सेकेंड  $\pm 5\%$   $\pm 10\%$  कोई भी

मध्यम संयोजकों सहित इलेक्ट्रॉनिक या यांत्रिक कालमापी 0.2 सेकेंड  $\pm 10\%$  कोई भी

कालमापी का आसिलोस्कोप से परीक्षण किया जाता है (0.2 सेकेंड तक तुल्य कालिक कलाक या संख्या देने वाले कालमापी से (0.2 सेकेंड से अधिक विन्यास)

#### 5.4 स्टेटर बोल्टता और करंट परीक्षण

ट्यूबों के लिए ऐनोड प्रकार के स्टेटर बोल्टता और करंट की इन मापनों के लिए विनिर्दिष्ट द्वारा विनिर्दिष्ट सीमाओं के अनुसार जांच की जाएगी।

#### 5.5 अन्तःबंधन परीक्षण

सभी अन्तःबंधन जैसे स्टेटर अन्तःबंधन, कालमापी, अन्तःबंधन, अक्षी अन्तःबंधन, ट्यूब रेटिंग अन्तःबंधन का परीक्षण विनिर्दिष्ट के विनिर्देश के अनुसार किया जाएगा जहाँ अन्तःबंधन विद्युत या यंत्र से प्रचालित किए जाने हैं।

#### 5.6 अधिक करंट के लिए, संरक्षारमक साधनों और मोटरों का परीक्षण

एकसरे उपकरण पर दिया गया एक अधिक करंट संरक्षारमक साधन निम्नलिखित स्थितियों में से प्रत्येक में परिपथ छोड़ेगा। परीक्षण के दौरान परि संकटमय स्थिति उत्पन्न नहीं होगी।

(क) उपकरण की और लघु परिपथ के उच्च बोल्टता वाले ट्रांसफार्मर के माध्यमिक उच्च बोल्टता वाले सिरे की।

(ख) उपकरण की और उच्च बोल्टता वाले ट्रांसफार्मर के जो धरे में संयोजित है, प्रत्येक भू संपर्क न किए हुए उच्च बोल्टता वाले सिरे की रेट की हुई अधिकतम और करंट विन्यास।

(ग) उपकरण की बोल्टता और करंट का न्यूनतम रेट किया हुआ विन्यास

लघु परिपथ के उच्च बोल्टता वाले ट्रांसफार्मर के माध्यमिक उच्च बोल्टता वाले रेट की हुई निर्गत अधिकतम बोल्टता और करंट विन्यास।

(घ) उपकरण की और उच्च बोल्टता वाले ट्रांसफार्मर के, जो धरे से संयोजित है, प्रत्येक भू संपर्क न किए हुए माध्यमिक उच्च बोल्टता वाले सिरे की रेट की हुई न्यूनतम बोल्टता और करंट विन्यास सिवाय इस बात के कि यदि वह इस प्रकार जोड़ा जाए तो इस स्थिति में अधिक करंट संरक्षारमक साधन को चलाए की आवश्यकता नहीं है।

(1) इस शर्त के अधीन करंट या बोल्ट एम्पियर चिह्नित क्षमता की श्रेणी का 125% या उससे कम है, और

(2) उपकरण धरे से धुंधा या पिघली सामग्री नहीं छोड़ता है या अग्नि के खतरों के अन्य संकेत नहीं देता है।

जहाँ वास्तविक प्रक्रिया से स्वयं ही उपकरण को खतरा पहुंचने की संभावना है वहाँ अधिक करंट के लिए संरक्षारमक साधन का परीक्षण करने के लिए फेन्टम परीक्षण के अनुसार परीक्षण स्थिति को अनुरूप करने के लिए प्रबंध किए जाने चाहिए।

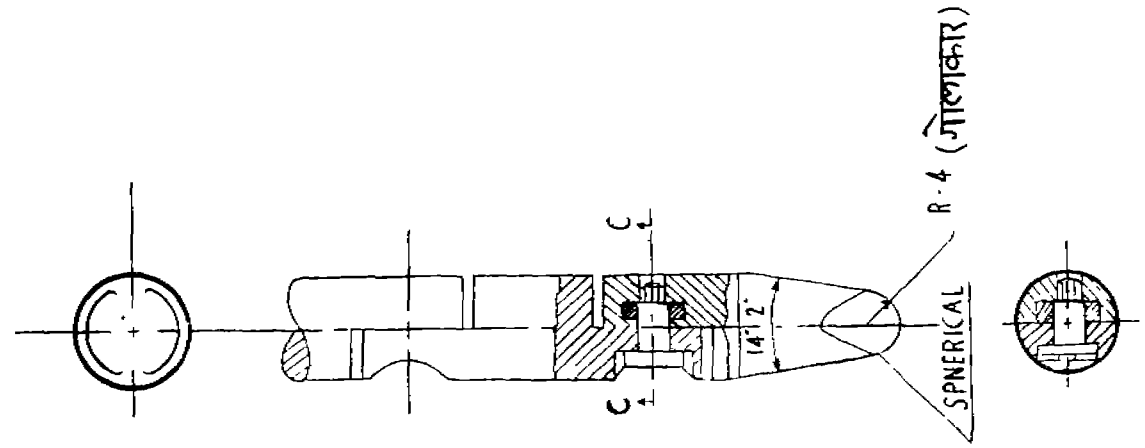
#### 5.7 एकसरे पटल पर परीक्षण

2.10.1 की अपेक्षाओं के अनुसार अनुरूपता का सत्यापन एकसरे के साथ फ्लुओरोस्कोपी जांच द्वारा किया जाएगा।

2.10.2 की अपेक्षाओं के अनुसार अनुरूपता का सत्यापन रसायनों के वास्तविक उपयोग और पटल पर बनाए हुए रंग से किया जाएगा और इसे साबुन के पानी से साफ कर लिया जाएगा।

2.10.3 की अपेक्षाओं रंग के अनुसार अनुरूपता की जांच उचित हेसीमीटर के साथ निर्गत विकिरण मापों के अनुसार की जाएगी। विकिरण मापों के लिए बी० ए० आर० सी० प्रमाणपत्र स्वीकृत किए जाएंगे।

2.10.8 की अपेक्षाओं के अनुसार अनुरूपता की जांच कमानी दार तुला के माध्यम से वास्तविक मापों द्वारा की जाएगी।



SECTION C-C - खण्ड ग-ग

[मि सं० 6(4)/78-नि०नि० तथा नि० उ०]  
मी० बी० कुकरेती, मध्यम शिक्षक



**MINISTRY OF COMMERCE****(Department of Commerce)****ORDER**

New Delhi, the 31st January, 1981

**S.O. 345**—Whereas the Central Government is of opinion that, in exercise of the powers conferred by section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), it is necessary and expedient so to do for the development of export trade of India that X-Ray equipments shall be subject to quality control and inspection prior to export;

And, whereas the Central Government, after formulating its proposals in this behalf, forwarded the same to the Export Inspection Council, as required by sub-rule (II) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964 for its views.

And, whereas recommendations received from the Council on the aforesaid proposals have been considered by the Central Government;

Now, therefore, in pursuance of sub-rule (6) of rule 11 of the aforesaid rules the Central Government hereby publishes its proposals for the information of the public likely to be affected thereby.

2. Notice is hereby given that any person desiring to forward any objection or suggestion with respect to the said proposals may forward the same, within fortyfive days of the date of publication of this order in the Official Gazette, to the Export Inspection Council, World Trade Centre (7th Floor), 14/1B, Ezra Street, Calcutta-700001.

**PROPOSALS**

(1) To notify that X-Ray Equipments shall be subject to quality control and inspection prior to export;

(2) To specify the type of inspection in accordance with the draft Export of X-Ray Equipments (Quality Control and Inspection) Rules, 1981 set out in Annexure I to this Order as the type of quality control and inspection which would be applied to such X-Ray Equipments prior to export;

(3) To recognise

- Contractual specifications as agreed in the export contract subject to the minimum specification set out in Annexure II to this order; or
- The standards approved by the Government Department or Public Utility concern of any foreign country; or
- The IEC specification with additional stipulations in any National Standard or by the foreign buyer, if any,

as the standard specification for such X-Ray Equipments.

(4) To prohibit the export in the course of international trade of any such X-Ray Equipments unless the same are accompanied by a certificate issued by any one of the agencies established by the Central Government under section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), to the effect that the consignments of X-Ray Equipments satisfy the conditions relating to quality control and inspection and are exportworthy.

3. Nothing in this Order shall apply to the export by land, sea or air of bonafide samples of X-Ray Equipments to prospective buyers.

4. In this order 'X-Ray Equipments' shall mean an assembly of electrical devices necessary to energise an X-Ray Tube and control its operations for the purposes of fluoroscopy and radiography and shall include its accessories, spares, and components.

**ANNEXURE I**

Draft rules proposed to be made under section 17 of the Export (Quality control and Inspection) Act, 1963 (22 of 1963)

1. Short title and commencement.—These rules may be called the Export of X-Ray Equipments (Quality Control and Inspection) Rules, 1981.

2. Definitions.—In these rules, unless the context otherwise requires—

- "Act" means the Export (Quality Control and Inspection) Act, 1963 (22 of 1963);
- "Agency" means any one of the agencies established at Bombay, Calcutta, Cochin, Delhi and Madras under section 7 of the Act;
- "X-Ray Equipments" shall mean an assembly of electrical devices necessary to energise and X-Ray Tube and control its operations for the purposes of fluoroscopy and radiography and shall include its accessories, spares, and components.

3. Quality Control and Inspection :

(i) Quality Control—The quality control of the X-Ray Equipments intended for export shall be done with a view to seeing that the same conforms to the specifications recognized by the Central Government under section 6 of the act, by effecting the following controls, at different stages of manufacture, together with the levels of control as given in the Schedule annexed hereto, namely :—

(i) Boughtout materials and components control :—

- Purchase specifications shall be laid down by the manufacturer incorporating the properties of materials or components to be used and shall have adequate means of inspection or testing to ensure conformity of the incoming lots.
- The accepted consignments shall be either accompanied by a supplier's test or inspection certificate corroborating the requirements of the purchase specification, in which case occasional checks (that is to say once in each quarter of the year for the same supplier of the same material) shall be conducted by the manufacturer for a particular supplier to verify the correctness of the aforesaid test or inspection certificates, or the purchased materials or components shall be regularly inspected or tested either in a laboratory in the factory or in some other laboratory or test house.
- The sampling for inspection or test to be carried out shall be based on a recorded investigation.
- After the inspection or test is carried out, systematic methods shall be adopted in segregating the accepted and rejected materials or components and in disposal of rejected materials of components.
- Adequate records in respect of the above mentioned controls shall be regularly and systematically maintained by the manufacturer.

(ii) Process Control :

- Detailed process specifications shall be laid down by the manufacturer for different processes of manufacturer.
- Equipments, instrumentation and facilities shall be adequate to control the processes as laid down in the process specifications.
- Adequate records shall be maintained by the manufacturer to ensure the possibility of verifying the controls exercised during the process of manufacture

(iii) Product Control :

- The manufacturer shall either have his own adequate testing facilities or shall have access to such testing facilities existing elsewhere to test the product as per the specifications recognised under section 6 of the Act.
- Adequate records in respect of tests carried out shall be regularly and systematically maintained by the manufacturer.

## (iv) Preservation Control :

(a) A detailed specification shall be laid down by the manufacturer to safeguard the product from adverse effects of weather conditions.

(b) The product shall be well preserved both during storage and transit.

## (v) Metrological control :

Gauges and instruments used in the production and inspection shall be periodically checked or calibrated and records shall be maintained in the form of history cards by the manufacturer.

## (vi) Packing control :

The manufacturer shall lay down a detailed packing specification for export packages and shall strictly adhere to the same.

(2) Inspection.—The inspection of X-Ray Equipments meant for export shall be done by carrying out examination and testing of the same, with a view to seeing that the consignment conforms to the standard specifications recognised by the Central Government under section 6 of the Act.

4. Basis of Inspection.—Inspection of X-Ray Equipments intended for export shall be carried out with a view to seeing that the same conforms to the specifications recognized by the Central Government under section 6 of the Act :—

(a) by ensuring that during the process of manufacture the quality controls as specified in sub-rule (1) of rule 3 have been exercised.

AND

(b) on the basis of inspection carried out in accordance with sub-rule (2) of rule 3.

## 5. Procedure of Inspection :

(1)(a) Any exporter intending to export a consignment of X-Ray Equipments shall give an intimation in writing to any one of the agencies of his intention so to do, and submit, along with such intimation, a declaration either that the consignment of X-Ray Equipment has been or is being manufactured by exercising quality control measures as per controls referred to under sub-rule (1) of rule 3 and that the consignment conforms to the standard specifications recognized for the purpose; and if any additional specifications stipulated in the export contract giving details of all the technical characteristics, to enable the agency to carry out inspection in accordance sub-rule (2) of rule 3.

(b) The exporter shall at the same time endorse a copy of such intimation to the nearest office of the Council. The addresses of the Council offices are as under :—

Head Office.—Export Inspection Council, World Trade Centre (7th Floor), 14/1B, Ezra Street, Calcutta-700001.

Regional Offices.—(i) Export Inspection Council, Aman Chambers (4th Floor), 113, M. Karve Road, Bombay-400004.

(ii) Export Inspection Council, Manohar Building, Mahatma Gandhi Road, Ernakulam, Cochin-682011.

(ii) Export Inspection Council, Municipal Market Building 3, Saraswati Marg, Karol Bagh, New Delhi-110005.

(2) The exporter shall also furnish to the agency the identification marks applied on the consignment.

(3) Every intimation and declaration under sub-rule (1) shall reach the office of the agency not less than thirty days prior to the despatch of the consignment from the manufacturer's premises or exporter's premises.

(4) (a) On receipt of the intimation and declaration under sub-rule (1), the agency on satisfying itself, on the basis of inspection carried out as provided for under rule 4 and the instruction, if any, issued by the Council in this regard, that the consignment has been manufactured according to the standard specifications applicable to it, within twenty days shall issue a certificate declaring the consignment of X-Ray Equipment as exportworthy;

Provided that where the agency is not so satisfied, it shall within the said period of twenty days refuse to issue such certificate and communicate such refusal to the exporter along with the reasons therefor.

(b) On completion of inspection, the Agency shall immediately seal the packages of the consignment in a manner so as to ensure that the sealed goods cannot be tampered with and when the consignment is rejected and not sealed by the agency on the express desire of the exporter in such a case the exporter shall not be entitled to prefer an appeal against the rejection under rule 8.

6. Place of Inspection.—Inspection of X-Ray Equipment for the purpose of these rules shall be carried out :

at the premises of the manufacturer.

7. Inspection fee.—A fee at the rate of thirty paise for every hundred rupees of free on board value shall be paid by the Exporter to the agency as inspection fee under these rules.

## 8. Appeal :

(1) Any person aggrieved by the refusal of the agency to issue a certificate under sub-rule (4) of rule 5, may, within ten days of the receipt of the communication of such refusal prefer an appeal to an Appellate Panel consisting of not less than three but not more than seven persons appointed for the purpose by the Central Government.

(2) At least two thirds of the total membership of the Appellate Panel shall consist of non-officials.

(3) The quorum for the Appellate Panel shall be three.

(4) The appeal shall be disposed of within 15 days of its receipt.

## SCHEDULE

(Sec Rule 3)

## LEVELS OF CONTROL

Sl.No.	Test/Inspection Characteristics	Requirements	No. of samples to be inspected/ tested	Lot size/ frequency.	Remarks
1	2	3	4	5	6
1.	Raw Materials				
1.1	Chemical composition	As per standard specification	On the basis of standard A.Q.L.	Each consignment	Wherever supported by producer's test certificate these characteristics shall be verified at least once in five consignments.
1.2	Mechanical properties	-do-	-do-	-do-	

1	2	3	4	5	6
2	Components				
2.1	Workmanship and finish	As per standard specification	On the basis of standard A.Q.L.	Each consignment	
2.2	Dimensions	-do-	-do-	-do-	
2.3	Chemical/physical properties	-do-	-do-	-do-	
3.	Process Control				
3.1	Casting				
3.1.1.	Visual & dimensions	-do-	-do-	Each day's Production.	
3.1.2.	Tensile strength, transverse strength, % elongation & hardness	-do-	-do-	-do-	
3.1.3.	Chemical components.	-do-	-do-	-do-	
3.1.4.	Hydraulic test (Whenever regd.)	-do-	-do-	-do-	
3.2	Machining				
3.2.1	Visual and dimensions	-do-	-do-	-do-	
3.3	Pressing				
3.3.1	Visual and dimensional	-do-	-do-	Each batch of production under identical condition of manufacturing.	
3.4	Heat Treatment				
3.4.1	Temperature	-do-	-do-	Each charge	
3.4.2	Time	-do-	-do-	-do-	
3.4.3.	Hardness	-do-	-do-	-do-	
3.4.4.	Visual	-do-	-do-	-do-	
3.5	Electroplating				
3.5.1	Bath concentration	-do-	-do-	-do-	
3.5.2	Bath temperature	-do-	-do-		
3.5.3.	Time of dipping		-do-		
3.5.4	Voltage		-do-		
3.5.5.	Ampere		-do-		
3.5.6	Tests				
3.5.6.1	Thickness of coating		-do-		
3.5.6.2	Adhesion		-do-		
3.5.6.3	Salt spray		-do-		
3.6	Welding/Fabrication				
3.6.1	Visual	-do-	-do-	Each batch of production under identical condition of manufacturing.	
3.6.2	Dimensions	As per standard specification	On the basis of standard A.Q.L.	Each batch of production under identical condition of manufacturing	
3.6.3	Weld Test	-do-	-do-	-do-	
3.7	Impregnation				
3.7.1	Viscosity				
3.7.2	Vacuum gauge reading	-do-	-do-	-do-	
3.7.3	Time				
3.7.4	Temperature	-do-	-do-	Each charge	
3.8	Die Casting				
3.8.1	Temperature of die and metal				
3.8.2	Pressure of casting	-do-	-do-	-do-	
3.8.3	Visual				
3.8.4	Crack detection				
3.9	Degreasing				
3.9.1	Bath composition	-do-	-do-	-do-	
3.9.2	Bath temperature				
3.9.3	Dipping time				
3.9.4	Visual				

1	2	3	4	5	6
3 10	Baking				
3 10 1	Temperature	As per Standard specification	On the basis of standard A Q L	Each charge	
3 10 2	Time of curing	-do-	-do-	-do-	
3 11	Assembly	-do-	-do-	-do-	
3 12	Painting				
3 12 1	Surface preparation including shot blasting				
3 12 2	Viscosity	-do-	-do-		Production of each batch under identical condition
3 12 3	Temperature				
3 12 4	Time				
3 12 5	Adhesion				
3 12 6	Coating thickness				
4	Product Control				
4 1	Type test				
4 1 1	Visual examination and inspection	-do-	do-	Each	
4 1 2	Insulation resistance test	-do-	do	do	
4 1 3	High voltage test	do-	-do-	-do-	
4 1 4	Leakage current test	-do-	-do-	do-	
4 1 5	Earth resistance test	-do-	do	-do-	
4 1 6	Test for accuracy of indications for the X-ray control	-do-	do-	do-	
4 1 7	Test for stabilization with internal temperature changes for the X-ray control	-do-	-do-	-do-	
4 1 8	Re-riding time test for the X-ray control (where required)	-do-	-do-	-do-	
4 1 9	Miliampere stabilization for the X-ray control	-do-	-do-	-do-	
4 1 10	Timer test for X-ray control	-do-	-do-	do-	
4 1 11	Stat or voltage and current test for X-ray	-do-	-do-	-do-	
4 1 12	Test for interlocks for X-ray control	-do-	-do-	do-	
4 1 13	Testing of over-current protective devices for X-ray control	-do-	do-	-do-	
4 1 14	Exposure angle and location of objective plane test for Tomographic device	-do-	-do-	-do-	
4 1 15	Flatness of plane test for tomographic device	-do-	-do-	-do-	
4 1 16	Tomographic resolution test for tomographic device	-do-	-do-	-do-	
4 1 17	Section thickness test for tomographic device	-do-	do	do-	
4 1 18	Magnification test for tomographic device	-do-	-do-	-do-	
4 1 19	Temperature rise test	-do-	-do-	-do-	
4 1 20	Test for X-ray table (For radiation output measurement BARC certificate will be accepted)	-do-	do-	-do-	
4 1 21	Test on tube stand	-do-	-do-	do-	
4 1 22	Routine test				
4 2 1	Visual examination and inspection	-do-	do-	-do-	
4 2 2	Insulation resistance test	-do-	do	-do-	
4 2 3	High voltage test	-do-	do	-do-	
4 2 4	Leakage current test	-do-	-do-	do	
4 2 5	Earth resistance test	-do-	do	-do-	
4 2 6	Timer test for X-ray control	-do-	-do-	-do-	
4 2 7	Stat or voltage and current test for X-ray control	-do-	-do-	-do-	
4 2 8	Test for interlocks for X-ray control	-do-	do	-do-	
4 2 9	Testing of over current protective devices for X-ray control (Test method to be changed to simulate the required condition on the device without involving the equipment)	-do-	-do-	-do-	
4 2 10	Test on X-ray table (For radiation output measurement BARC certificate will be accepted)	-do-	-do-	-do-	

1	2	3	4	5	6
5.	Meteorological Control				
5 1	Instruments & gauges including temperature gauge, pressure gauge etc	Accuracy	Each	At a regular periodic frequency.	
5 2	Jigs and fixing	-do-	-do-	At a periodic frequency	
*6.	Packing				
6 1	Appearance	-do-	Each	Each consignment	
6 2	Drop test	-do-	One	-do-	
6 3	Rolling test	-do-	One	-do-	
6 4	Water spraying test	-do-	One	Each design	

\* The packages shall be well finished and have a good appearance.

The inner contents of the packages shall be so packed as to withstand drop test, rolling test and water spraying test as given below.

- (i) Drop test (to be restricted to head load upto 37 Kgs.)—The package to be dropped from a height of 150 cms. once on the largest flat surface, once on the largest edge and once on any corner of its own.
- (ii) Rolling test (to be restricted upto a weight of 500 kgs.)—The package to be subjected to rolling on its sides either 6 meters forward and 6 meters backwards or twelve meters in one direction only.
- (iii) Water spraying test—The packages to be allowed to be exposed against a water spray equivalent to a normal sudden monsoon shower for five minutes.

## ANNEXURE II

### MINIMUM SPECIFICATION FOR X-RAY EQUIPMENT

1. Definition.—An assembly of electrical devices necessary to energise an X-ray tube and control its operations for the purposes of fluoroscopy and radiography.

#### 2. General Requirements

##### 2.1 Physical and Mechanical Requirements.

2.1.1 X-ray equipment should employ materials throughout which are suitable for the particular use and should be made and finished with the degree of uniformity and grade of workmanship firm for this particular equip.

2.1.2 Attachment plugs, circuit-breakers, cords, fuseholders, fuses, lampholders, motor-operated components, receptacles switches, etc, which are provided as parts of x-ray equipment shall be judged with respect to their suitability for the particular application and shall conform to appropriate relevant standard according to contractual requirements.

2.1.3 X-ray equipment shall be so formed and assembled that it shall have the strength and rigidity necessary to resist the abuses to which it is liable to be subjected without increasing its fire hazard due to total or partial collapse with resulting reduction of spacings, loosening or displacement of parts, or other serious defects. The enclosure shall be so formed or provided with barriers that the supporting surface will be protected against ignition by falling brands or molten material in the event of failure of the equipment.

2.1.4 For unreinforced, flat surfaces in general, cast metal should be not less than 3 mm in thickness, except that malleable iron may be not less than 2.3 mm in thickness and die-cast metal may be not less than 2 mm in thickness. Corresponding thickness of not less than 1.2 mm, 1.5 mm and 1.2 mm respectively may be acceptable if the surface is curved, ribbed,

or otherwise reinforced, or if the shape and/or size of the surface is such that adequate mechanical strength is provided.

2.1.5 Sheet metal employed as an enclosure for x-ray equipment should be such thickness, or shall be so formed or reinforced, that its strength and rigidity should be not less than that of a flat steel sheet having an average thickness of 0.6 mm.

2.1.6 An enclosure of material other than metal may be acceptable if it has been shown to have mechanical strength, resistance to impact, non-combustibility, and other properties suitable for the application.

2.1.7 High-voltage equipment containing oil shall not be installed in a wooden cabinet.

2.1.8 Electrical parts of the equipment shall be so located or enclosed that suitable protection against accidental contact with uninsulated live-metal parts shall be provided.

2.1.9 All high-voltage parts of the equipment, including the x-ray tube, shall be enclosed within a metallic enclosure provided with a means for earthing, or within an enclosure of suitable insulating material.

2.1.10 Any opening in any enclosure shall be so positioned or dimensioned that the electrically live parts shall not be accessible to a freely and vertically suspended Test Pin for the top side of the equipments and a Test Finger for the openings on remaining sides of the equipment. The Test Pin and Test Finger shall be according to the figures given below:

2.1.11 Equipment parts which move shall be arranged or protected against contact in such a manner that the operator is not endangered.

2.1.12 Equipment which may be adjusted to different voltages shall be built in such a manner that accidental changing of the voltage setting, is impossible.

2.1.13 The equipment shall be constructed in such a manner that unintentional changing of the setting for protective parts and the setting of a thermostat, thermal cut-out with automatic resetting and thermal cut out with manual resetting is impossible.

2.1.14 The equipment shall have a device by means of which it may be separated on all poles from the mains.

2.1.15 It shall not be possible to remove parts which ensure the requisite degree of protection against moisture without the aid of tools.

2.1.16 Equipment shall be built in such a manner that its electrical insulation may not be affected adversely by water condensing on the cold surfaces, by water leaking from receptacles, hoses, couplings and the like.

2.1.17 It shall not be possible to fix in a wrong position actuating parts which indicate the setting of switches or detuning devices, the incorrect operation (incorrect setting) of which may be cause of danger to patient or user (for example, mains switches, circuit-breakers or power controls), as well as actuating parts which have to be removed in use.

2.1.18 A switch, lamp holder, attachment plug, receptacle plug connection, to similar device shall be mounted securely and prevented from turning by means other than friction between surfaces.

2.1.19 Screws, washers and nuts of insulating material shall not be used if there is danger of their being replaced during maintenance or repairs by commercial metal parts and the protective insulation or reinforced insulation is adversely affected thereby.

2.1.20 Protective sleeving shall only be used as supplementary insulation on insulated internal wires and shall be held in position by suitable means.

2.1.21 Fluoroscopic screens whenever provided with the x-ray equipment shall have light-proof cover.

## 2.2 Radiation Protection.

2.2.1 Radiation protection should be according to IEC publication 407 (ISS 7064 is an exact copy of IEC 407).

## 2.3 Corrosion Protection.

2.3.1 Iron, steel, aluminium and any other metallic part shall be suitably protected against corrosion by enamelling, painting, galvanizing, plating or other equivalent means. Necessary tests to be conducted at the manufacturing premises for adhesion and thickness of coating.

2.3.2 Equipment subject to spillage of liquid in normal use shall be constructed in such a manner that its electrical insulation is not adversely affected by such spillage.

2.3.3 Equipment which contains batteries shall be built in such a manner that the insulation is not adversely affected by leaking acid or alkali.

2.3.4 All exposed parts of the equipment including electrical parts shall be free from visible growth of fungus.

2.4 Temperature Rise. Material, employed in the construction of x-ray equipment shall not be affected adversely by the temperature attained under any condition of normal operation

and also under condition of normal idling (12 hours). The temperature-rise of different parts and materials shall not exceed the values given in Table I given below :

Table I

Maximum Temperature-Rise of parts and materials Employed in the construction of X-ray equipment

Sl. No.	Materials and component Parts	Maximum Rise in Temperature In Degree Centigrade
1.	Knife switch blades and contact jaws	15
2.	Rubber or thermoplastic insulation	20
3.	Laminated contacts	35
4.	Connecting bars and terminals	35
5.	Varnished cloth and pressboard	45
6.	Solid contacts	50
7.	Fuses	50
8.	Wood	50
9.	Fibre used as electrical insulation	50
10.	Phenolic composition employed as electrical insulation.	95
11.	External casings excluding handle which are held during normal use.	45
12.	Knob, handles, levers etc. which are held continuously during operation :	
	(i) Metal	15
	(ii) Non-metal	25
13.	Capacitor	Marked limit

Note : The limitations on rubber or thermoplastic insulation and on phenolic composition do not apply to compound which have been investigated and recognized as having special heat-resistant properties.

## 2.5 Supply Connections.

2.5.1 PVC insulated flexible cords conforming to IS : 694 (Part I)—1964 shall be used for the above connection.

2.5.2 Strain relief shall be provided so that mechanical stress on a flexible cord shall not be transmitted to terminals, splices or interior wiring. Strain relief device such as knotting or binding with thread shall not be acceptable.

2.5.3 Equipment intended for permanent connection to stationary installation shall be provided with lead entries, conduit entries or glands of proper sizes.

2.5.4 Equipment for permanent stationary connection shall be provided with terminals which permits connection by screws or nuts.

2.5.5 Terminals shall be secured in such a manner that they cannot work loose when they are tightened or loosened that internal wiring is not stressed, and that creepage paths and flashover distances in air cannot be reduced.

2.5.6 Terminals shall be constructed in such a manner that the conductors are clamped with adequate contact pressure between metal surfaces without damage to the conductors.

2.5.7 Bolted terminals shall be provided with washers of appropriate sizes.

2.5.8 The main connection terminals including the protective conductor terminals shall be arranged spatially close together.

2.5.9 Connection terminals shall not be accessible without the aid of a tool, even if their live parts are not accessible.

Connection terminals shall be arranged or screened in such a manner that no risk of accidental contact between live and accessible metal parts can occur, if no connection a single wire of a standard conductor should escape from the terminal.

2.5.10 It shall not be possible for screws of connection terminals if they are loosened as far as it possible, to come into contact with any accessible metal part or any metal part connected thereto.

## 2.6 Wiring and Wiring Terminals.

2.6.1 Wiring and interconnecting wire shall have current carrying capacity not less than maximum current that of the different circuits of the apparatus corresponding to its long time rating.

2.6.2 An insulated conductor shall not be exposed to oil, grease, oily vapour, or other substance liable to affect insulation adversely unless the insulating compound has been recognized as being suitable for such usage.

A conductor is considered to be exposed to oil if it touches an oil filled enclosure, unless that enclosure is completely sealed.

2.6.3 An enclosure which houses wires shall be smooth and entirely free from sharp edges, burrs, fins, moving parts, etc. which may cause abrasion of the insulating on conductors.

2.6.4 Aluminium conductors should not be used for internal wiring.

## 2.7 Live Metal Parts.

2.7.1 No part of the frame or enclosure of X-ray equipment shall be used as a current-carrying part, except for self contained tubehead which is earthed.

2.7.2 Uninsulated live-metal parts shall be so secured to the base or mounting surface that they will be prevented from turning or shifting in position if such motion may result in a reduction of spacings below the minimum required.

2.7.3 Friction between surfaces shall not be acceptable as a means to prevent the turning of live-metal parts; but a suitable lock washer properly applied may be acceptable for this purpose.

## 2.8 Spacings.

2.8.1 The spacing between field-wiring terminals shall be not less than 6 mm if the terminals are in the same plane.

2.8.2 The spacing through air or over surface between an uninsulated live-metal part and the walls of a metal enclosure (including fittings for conduit or armoured cable) shall be not less than 10 mm. However, greater spacing than this may be required between an uninsulated live-metal part and the enclosure if, because of its size, shape, or the material used, the enclosure is not considered sufficiently rigid to warrant such spacing.

In standard power and control circuits, the clearance between uninsulated live-metal parts of opposite polarity, and between and uninsulated live-metal part and an uninsulated earthed or exposed dead-metal part other than the enclosure, shall be not less than that indicated in Table 2.

TABLE 2 -CLEARANCES

Potential involved in volts	Minimum Clearance, in mm	
	Through Air	Through Transformer oil
0 to 50	1.6	1.6
51 to 150	3.2	1.6
151 to 300	6.4	1.6
301 to 600	12	1.6

The minimum clearance specified above is not applicable to switches, lamp holders, tubes and relays, terminal strips, tube sockets, and potentiometers. Clearance for those should be same as given in relevant specifications.

## 2.9 Earthing.

X-ray equipment shall have provision for earthing of all exposed dead-metal parts. Earthing terminal on the equipment shall be marked and earthing conductor terminated on the equipment shall have the colour of green-yellow combination. This colour combination should not be used in the wiring of the equipment for any other purpose. All parts of earthing conductor and terminal shall be corrosion proof.

## 2.10 X-Ray Table.

2.10.1 Table top material shall be of uniform density and shall not cast any shadow when viewed with X-ray on a screen and shall not have any void or foreign material to interfere with fluoroscopic or radiographic examination.

2.10.2 Table top shall be of such material so that it can be washed with cold soap water. It shall not have any detrimental effect on application of chemicals/dyes used in special radiographic investigation.

2.10.3 The filtration of table top shall be specified and shall not be more than 1 mm of aluminium at 80 k. VP. The table top when physically checked shall be capable of taking 100 kg distributed load at horizontal position without any appreciable sag at the middle of the table top.

2.10.4 The motor driven table shall be capable of raising 100 kg load on the head end of the table from any position of the chassis tilt.

2.10.5 The brake shall be adjusted to permit not more than 20 mm drift measured at head end of the table from 90° vertical to horizontal.

2.10.6 Where the motor of the table does not have dynamic braking the limit switches shall be adjusted to open the motor circuit just before the end of the travel so that the table coasts gently against the end stops. This condition applies when running the chassis from one extreme end to other without making the motor off. The positive braking shall apply as soon as electrical supply is interrupted either by limit switch or operating switch. (The choice of not using automatic braking is liable to endanger the safety of the apparatus.)

2.10.7 Screen frame or spot film device shall be parallel and square with table top within 3.0°mm per 300 mm in all positions of the chassis.

2.10.8 Maximum drag, that is, force in kg to overcome friction at minimum constant speed for screen/spot film carriage and bucky in tilt table shall be specified by the manufacturer with locks off and on for tilt table as indicated in the following table :

Part	Table in Horizontal Position		Table in Vertical Position	
	Locks Off	Locks On	Locks Off	Locks On

Screen/Spot film

Carriage

Longitudinal travel

Cross travel

Compression movement

Bucky

Longitudinal

2.10.9 Maximum travel of screen/spot film device and bucky shall be specified by the manufacturer as in the following table :

Part	Travel
Screen/Spot film device.	Longitudinal — mm
	Cross — mm
	Compression — mm
	Longitudinal — mm

2.10.10 The screen frame or spot film device shall be coupled with the head in such a manner that both move together firmly.

2.11 Tubestand.

2.11.1 Maximum and minimum travel of tube focus from ground shall be specified.

2.11.2 Maximum longitudinal movement of tube focus shall be specified.

2.11.3 Maximum and minimum cross travel of the focus shall be specified.

2.11.4 Maximum drag that is, force in kg to overcome friction at minimum constant speed shall be specified according to the following table :

Movement	Force in kg	
	Locks Off	Locks On
Vertical		
Horizontal		
Cross		

2.11.5 In the event of sheering of counterweight cable a safety lock shall be incorporated as that tube does not fall with a sudden impact thereby endangering the patient as well as causing damage to the tube.

2.12 Collimator

2.12.1 Visual means shall be provided to find out the approximate radiated area without energizing X-ray at distances at which radiographs are taken normally.

2.12.2 Where light beam or other visual means are provided to find out the area to be exposed the indicated area shall be at least 2 mm more than the actual exposed area at a distance of 1 m.

2.12.3 Central beam shall coincide with centre of the film/screen.

3. Markings.

3.1 On the main part of the apparatus, usually the part that includes the mains connection, inscriptions as follows shall be affixed permanently and legibly :

(a) Mark of origin (name and location of manufacturer assembler or importer).

- (b) Type designation and fabrication number.
- (c) Rated voltage or rated voltage(s) and type of current, and
- (d) Rated frequency or rated frequency range(s).

3.2 The following informations should be supplied with each equipment :

- (a) General description of the equipment,
- (b) Characteristics of the generator,
- (c) Number of tubes,
- (d) Details of the controls,
- (e) Description of table, and
- (f) Details of other accessories.

3.3 Each x-ray equipment shall be provided with the following details :

- (a) Manual containing operating instructions.
- (b) Maintenance/service manual,
- (c) Parts list, and
- (d) Circuit diagram.

3.4 If the rating of the equipment includes both the long and momentary current or voltampere ratings, the marking shall include both classes of rating, each plainly identified.

3.5 Switches or setting devices shall be arranged or marked in such a manner that it may be clearly recognized which part of the apparatus they switch or set. The mark shall be understandable as far as possible without knowledge of languages, national standards and the like. The marking may be omitted if the switch position is marked indirectly in a conspicuous manner, for example, by representative signs.

3.6 All markings for switches shall be according to IEC publication 601-1-Appendix D.

#### 4. Categories of Tests

4.1 General—Tests are broadly classified into two categories namely, type tests and routine tests.

4.1.1 The following shall constitute the types tests :

- (i) Visual examination and inspection
- (ii) Insulation resistance test
- (iii) High voltage test
- (iv) Leakage current test
- (v) Earth resistance test
- (vi) Test for accuracy of indications for the x-ray control

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- (vii) Test for stabilization with internal temperature changes for the x-ray control
- (viii) Recycling time test for the x-ray control (where required).
- (ix) Milliamperage stabilization test for the x-ray control
- (x) Timer test for x-ray control
- (xi) Stator voltage and current test for x-ray control
- (xii) Test for interlocks for X-ray control.
- (xiii) Testing of overcurrent protective devices for x-ray control

(xiv) Exposure angle and location of objective plane test for Tomographic Device.

(xv) Flatness of plane test for Tomographic Device.

(xvi) Tomographic resolution test for tomographic device.

(xvii) Section thickness test for tomographic device

(xviii) Magnification test for tomographic device

(xix) Temperature rise test

(xx) Test of x-ray table (For radiation output measurement BARC certificate will be accepted).

(xxi) Test on tube stand.

4.1.2 The following shall constitute the routine tests :

- (i) Visual examination and inspection
- (ii) Insulation resistance test.
- (iii) High voltage test
- (iv) Leakage current test
- (v) Earth resistance test
- (vi) Timer test for x-ray control
- (vii) Stator voltage and current test for x-ray control
- (viii) Test for interlocks for x-ray control
- (ix) Testing of overcurrent protective devices for x-ray control (Test method to be engaged to simulate the required condition on the device without involving the equipment.)
- (x) Test on x-ray table (For radiation output measurement BARC certificate will be accepted).

#### 5. Tests

##### 5.1 Leakage Current Test.

The earth leakage current shall not be excessive in normal use. The following are the maximum limits :

- (i) For portable x-ray generators  $0.300 \text{ mA}$
- (ii) For mobile equipments  $5 \text{ A}$  provided when the leakage current exceeds  $0.5 \text{ mA}$  additional protective conductor is to be provided.
- (iii) For permanently installed x-ray equipment where the protective conductor is regarded as not liable to be disconnected at all— $10 \text{ mA}$  provided the enclosure leakage current shall not exceed  $0.5 \text{ mA}$ .

The method of measurement to be adopted will be according to IEC-601-1 (equivalent I.S. Document is ETDS-50 (1665) F.

### 5.2 Earth Resistance Test

A current of 10A from a current source with a no load voltage not exceeding 6 V is passed in turn between the protective conductor terminal or the protective contact and each accessible metal part. The voltage drop between the protective conductor terminal or the protective contact and the accessible metal parts is measured and the resistance determined from the current and voltage drop. It shall not be greater than 0.2 ohms.

### 5.3. Timer Test

5.3.1 Timers for x-ray equipment are generally classified as specified by manufacturers according to their performance requirement depending upon the capacity (Kw-output) and equipment of the generator, minimum time setting, errors and their method of making and breaking of supply circuit to x-ray tube on the A.C. cycle or otherwise.

Type	Min. time	Max.	errors	Method of make/ Break
		Upto 0.2 Secs.	Beyond 0.2 Secs.	
Electronic timers with solid state or electronic tube contactors	0.01 sec. or less	±2ms	±2%	Approximately 1 or 2 ms from zero electrical degrees on the A. C. cycle.
Electronic timer with mechanic contactors	0.02 secs. or less	±3ms	±5%	—do—
Electronic or synchronous timers	0.1 sec.	±5%	±10%	At random
Electronic or mechanical timers with medr. contactors	0.2 secs.	± 10%		At random

Timers are tested with oscilloscope upto 0.2 seconds settings with Synchronus Clock or Digital Timer Beyond 0.2 seconds.

### 5.4 Stator Voltage and Current Test.

For tubes of rotating anode type the stator voltage and current shall be verified for compliance with the limits specified by the manufacturer for these quantities.

### 5.5. Interlocks Test

All interlocks such as stator interlock, timer interlock, bucky interlock, tube rating interlock shall be tested as per

manufacturers specification where the interlocks are operated electrically or mechanically.

### 5.6 Testing of Overcurrent Protective Devices and Meters

An overcurrent protective device provided on x-ray equipment shall open the circuit under each of the following conditions. Hazardous conditions shall not develop during the test :—

- Maximum rated output voltage and current settings of equipment, and secondary high-voltage terminals of the high voltage transformer short-circuited.
- Maximum rated output voltage and current settings of the equipment on each unearthed secondary high-voltage terminal of the high-voltage transformer, in turn, connected to the transformer enclosure.
- Minimum rated output voltage and current settings of the equipment, and the secondary high-voltage terminal of the high-voltage transformer short-circuited.
- Minimum output voltage and current settings of the equipment, and each ungrounded secondary high-voltage terminal of the high-voltage transformer, in turn, connected to the transformer enclosure, except that the overcurrent protective device need not operate under this condition if, when so connected:
  - the current or volt-ampere input under this condition is 125 per cent or less of the marked momentary rating, and
  - the equipment does not emit flame or molten material from the enclosure or give other evidence of fire hazard.

Wherever the actual operation is likely to endanger the equipment itself, arrangements should be made to simulate the test condition with test phantom to test the overcurrent protective device.

### 5.7 Test on X-ray Table

The conformity with the requirements of 2.10.1 shall be verified by fluoroscopic check with x-ray. The conformity with the requirements of 2.10.2 shall be checked with actual application of chemicals and dies to be made on table and clean it with soap water. Conformity with 2.10.3 shall be checked with the radiation output measurement with suitable dosimeter. BARC certificate to be accepted for radiation measurement. The conformity with the requirements of 2.10.8 shall be checked by actual measurement by means of a spring balance.

(बल्लभ विमल)

नई दिल्ली, 3 जनवरी, 1981

कां०भा० 346—केन्द्रीय सरकार एतद्वारा अधिसूचित करती है कि लोक सभा ने 28 नवम्बर, 1980 को केन्द्रीय रेशम बोर्ड अधिनियम, 1948 (1948 का 61) की धारा 4 की उपधारा (3) के खण्ड (ग) के अनुसरण में, श्री जैनुभल बशर, जिसने त्यागपत्र दे दिया है, के स्थान पर श्री गंगाधर एस० कूचन सदस्य, लोक सभा, को केन्द्रीय रेशम बोर्ड के सदस्य के रूप में निर्वाचित किया है और मंत्रालय में भारत सरकार की अधिसूचना कां०भा०सं० 2115 दिनांक 9 अगस्त, 1980 में निम्नलिखित संशोधन करती है।

उक्त अधिसूचना में क्र०सं० 4 के सामने दी गई प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि प्रतिस्थापित की जायेगी :

"4. श्री गंगाधर एस० कूचन"

[कां०सं० 25012/19/78-रेशम]

(Department of Textiles)

New Dehli, the 3rd January, 1981

S.O. 346.—The Central Government hereby notify that the Lok Sabha has in, pursuance of clause (c) of Sub-section (3) of Section 4 of the Central Silk Board Act, 1948 (61 of 1948), elected Shri Gangadhar S. Kuchan, Member, Lok Sabha, on 28th November, 1980 to serve as a member of the Central Silk Board vice Shri Zainul Bashir since resigned and make the following amendment in the Notification of the Government of India in the Ministry S.O. No. 2115 dated 9th August, 1980.

In the said notification, for the entry against serial number 4, the following entry shall be substituted namely:

"4. Shri Gangadhar S. Kuchan."

[File No. 25012/19/78-Silk]

नई दिल्ली, 5 जनवरी, 1981

कां०भा० 347.—केन्द्रीय रेशम बोर्ड अधिनियम, 1948 (1948 का 61) की धारा 4(3)(ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा हथकरघा तथा रेशम निदेशक, बिहार सरकार के स्थान पर आयुक्त एवं सचिव उद्योग, बिहार सरकार को केन्द्रीय रेशम बोर्ड के सदस्य के रूप में प्रतिनिधित्व करने के लिए, नामित करती है और भारत सरकार के उद्योग मंत्रालय, औद्योगिक विकास विभाग के कां०भा०सं० 743 (ई) दिनांक 20 नवम्बर, 1979 तथा खनिज्य मंत्रालय, वस्त्र विभाग के कां०भा०सं० 3417 दिनांक 13 दिसम्बर, 1980 की अधिसूचनाओं में प्रागे संशोधन करती है अर्थात् क्र०सं० 13 के सामने दी गई प्रविष्टियों के स्थान पर निम्नलिखित प्रविष्टि प्रतिस्थापित की जायेगी :

"13 आयुक्त एवं सचिव उद्योग,  
बिहार सरकार, पटना।"

[कां०सं० 25012/19/78-रेशम]

एल०वी० सप्पन्नाथि, उप सचिव

New Delhi, the 5th January, 1981

S.O. 347.—In exercise of the powers conferred under Section 4(3)(g) of the Central Silk Board Act, 1948 (61 of 1948), the Central Government hereby nominates Commissioner and Secretary Industries Bihar Government to represent as a Member of the Central Silk Board vice Director of Handloom and Sericulture, Government of Bihar and makes further amendment in the Notifications of the Government of India in the Ministry of Industry, Department of Industrial Development S.O. No. 743 (E) dated 20th November, 1979 and

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Ministry of Commerce, Department of Textiles S.O. No. 3417 dated 13th December, 1980 namely for the entries against Serial No. 13, the following entry shall be substituted:

"13. Commissioner and Secretary Industries, Government of Bihar, Patna."

[F. No. 25012/19/78-Silk]  
L. V. SAPTHARISHI, Dy. Secy.

मुख्य निर्यातक, आयात-निर्यात का कार्यालय

प्रादेश

नई दिल्ली, 15 जनवरी, 1981

कां०भा० 348.—सर्वश्री इलेक्ट्रोस्टील कास्टिंग लि०, 4-बी, बी०बी०डी० बाग (ई) कलकत्ता को भारत-चेकोस्लोवाकिया व्यापार योजना के अधीन प्रत्येक 500 के वी ए के 2 नव स्कोडा डी जी सेट्स के आयात के लिए 12,70,500 रुपये (बारह लाख सत्तर हजार पांच सौ रुपये मात्र)। का आयात लाइसेंस सं० पी/सीजी/2032000/टी/सी धार/77/एच/80/सीजी-1 दिनांक 9-10-80 प्रदान किया गया था। फर्म ने उपर्युक्त लाइसेंस की अनुलिपि मुद्रा विनिमय नियंत्रण प्रयोजन प्रति के लिए इस आधार पर आवेदन किया है कि मूल मुद्रा विनिमय नियंत्रण प्रयोजन प्रति साक्ष्य होने बिना ही खो गई अथवा प्रप्तान्त्य हो गई है।

2. घाते तर्क के समर्थन में लाइसेंसधारी ने 'नोटिफिकेशन कलकत्ता के सम्मुख विधित्त शपथ लेते हुए एक शपथपत्र दाखिल किया है। मैं तत्पुनार संतुष्ट हूँ कि फर्म द्वारा लाइसेंस संख्या पी/सीजी/2032000 दिनांक 9-10-80 की मूल मुद्रा विनिमय नियंत्रण प्रयोजन प्रति खो गई अथवा प्रप्तान्त्य हो गई है। यथा संशोधन आयात (नियंत्रण) प्रादेश 1955 की उप-धारा 9 (सी सी) के अधीन प्रदत्त अधिकारों का प्रयोग कर सर्वश्री इलेक्ट्रोस्टील कास्टिंग लि०, कलकत्ता को जारी की गई मूल मुद्रा नियंत्रण प्रयोजन प्रति सं० पी/सीजी/2032000 दिनांक 9-10-80 एतद्वारा रद्द की जाती है।

3. पार्टी को उक्त लाइसेंस की अनुलिपि मुद्रा विनिमय नियंत्रण प्रयोजन प्रति भलग से जारी की जाती है।

[सं० 937/80/5/1]

जी०एम० ग्रेनाथ, उप-मुख्य निर्यातक,  
आयात-निर्यात

(Office of the Chief Controller of Imports & Exports)

ORDER

New Delhi, the 15th January, 1981

S.O. 348.—M/s. Electrosteel Castings Ltd., 4-B. B.B.D. Bagh (E) Calcutta were granted an import licence No. P/CG/2032000/T/CR/77/H/80/CG. I dated 9th October, 1980 for Rs. 12,70,500 (Rupees twelve lakh seventy thousand and five hundred only) for import of 2 Nos. Skoda D. G. Sets of 500 KVA rating each with spares and accessories under Indo-Czech. Trade Plan. The firm has applied for issue of Duplicate of the Exchange Control purposes copy of the above mentioned licence on the ground that the original Exchange Control purposes copy has been lost or misplaced even without opening the letter of Credit.

2. In support of their contention, the licence has filed an affidavit on stamped paper duly Sworn before a Notary Public, Calcutta. I am accordingly satisfied that the original Exchange control purposes copy of import licence No. P/CG/2032000 dated 9-10-80 has been lost or misplaced by the firm. In exercise of the Powers conferred under sub-clause 9 (cc) of the Import (Control) Order, 1955 dated 7-12-1955 as amended the said original Exchange Control purposes copy No. P/CG/2032000 dated 9-10-80 issued to M/s. Electrosteel Castings Limited Calcutta is hereby cancelled.

that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Indian Oil Corporation Limited free from all encumbrances.

### SCHEDULE

Tehsil : Ajmer	District : Ajmer	State : Rajasthan	Khasra No.		Area	
Village	Old	New	H.	A.	Sq.M.	
Ansari	718	831	0	01	62	
	719	832	0	05	67	
	720	833	0	03	24	
	721	834	0	07	28	
Ramsar	6057	7886	0	01	62	

[No. 12020/5/80-Prod. I]

का०आ० 353.—यतः पेट्रोलियम और खानज पाइपलाइन (भूमि में उपयोग के अधिकार का प्रजन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम, रसायन और उर्वरक मंत्रालय (पेट्रोलियम विभाग) की अधिसूचना का०आ० सं० 1309 तारीख 14-4-80 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइपलाइनों को बिछाने के प्रयोजन के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और, यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और, आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रवृत्त शक्ति का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और, आगे उस धारा की उपधारा (4) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने के बजाय इंडियन आयल कारपोरेशन लि० में नभी धावाओं से मुक्त रूप में, इस घोषणा के प्रकाशन की इस तारीख को विहित होगा।

### अनुसूची

तहसील : ब्यावर	जिला : अजमेर	राज्य : राजस्थान	खसरा नं०		क्षेत्रफल	
ग्राम	पुराना	नया	हेक्टर	ऐयर	वर्गमीटर	
बड़िया श्यामा व बड़िया जम्हा	240	362	0	01	62	
	240	363	0	00	81	
	241	366	0	00	81	
लसाडिया	68	75	0	05	67	
	67/1222	73	0	01	62	
काना खेडा	1311	2110	0	03	24	
	1326	2129	0	03	24	
खरवा	4056	6266	0	02	43	
	4057	6266	0	09	71	

[सं० 12020/5/80-प्रो-II]

S.O. 353.—Whereas by a notification of the Government of India in the Ministry of Petroleum, Chemicals and Fertilizer (Department of Petroleum) S.O. 1309 dated 14-4-80 under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act submitted report to the Government.

And further the Central Government has after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification.

Now therefore in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipelines.

And further in exercise of the power conferred by Sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Indian Oil Corporation Limited free from all encumbrances.

### SCHEDULE

Tehsil : Beawar	District : Ajmer	State : Rajasthan	Khasra No.		Area	
Village	Old	New	H.	A.	Sq.M.	
Badiya Shyama & Badiya Jagga	240	362	0	01	62	
	240	363	0	00	81	
	241	366	0	00	81	
Lasadiya	68	75	0	05	67	
	67/1222	73	0	01	62	
Kana Khera	1311	2110	0	03	24	
	1325	2129	0	03	24	
Kharwa	4056	6266	0	02	43	
	4057	6266	0	09	71	

[No. 12020/5/80-Prod. II]

का० आ० 354.—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का प्रजन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम, रसायन और उर्वरक मंत्रालय (पेट्रोलियम विभाग) की अधिसूचना का०आ० सं० 1433 तारीख 24-4-80 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रवृत्त शक्ति का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और, आगे उस धारा की उपधारा (4) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने के बजाय तेल और प्राकृतिक

## (बस्त्र विभाग)

नई दिल्ली, 3 जनवरी, 1981

का०प्र० 346.—केन्द्रीय सरकार एतद्वारा अधिसूचित करती है कि लोक सभा ने 28 नवम्बर, 1980 को केन्द्रीय रेशम बोर्ड अधिनियम, 1948 (1948 का 61) की धारा 4 की उपधारा (3) के खण्ड (ग) के अनुसरण में, श्री जैनुधर बशर, जिसने त्यागपत्र दे दिया है, के स्थान पर श्री गंगाधर एस० कूचन सदस्य, लोक सभा, को केन्द्रीय रेशम बोर्ड के सदस्य के रूप में निर्वाचित किया है और मंत्रालय में भारत सरकार की अधिसूचना का०प्र०सं० 2115 दिनांक 9 अगस्त, 1980 में निम्नलिखित संशोधन करती है।

उक्त अधिसूचना में क्र०सं० 4 के सामने दी गई प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि प्रतिस्थापित की जायेगी :

"4. श्री गंगाधर एस० कूचन"

[क्र०सं० 25012/19/78-रेशम]

## (Department of Textiles)

New Delhi, the 3rd January, 1981

S.O. 346.—The Central Government hereby notify that the Lok Sabha has in, pursuance of clause (c) of Sub-section (3) of Section 4 of the Central Silk Board Act, 1948 (61 of 1948), elected Shri Gangadhar S. Kuchan, Member, Lok Sabha, on 28th November, 1980 to serve as a member of the Central Silk Board vice Shri Zainul Bashir since resigned and make the following amendment in the Notification of the Government of India in the Ministry S.O. No. 2115 dated 9th August, 1980.

In the said notification, for the entry against serial number 4, the following entry shall be substituted namely:

"4. Shri Gangadhar S. Kuchan."

[File No. 25012/19/78-Silk]

नई दिल्ली, 5 जनवरी, 1981

का०प्र० 347.—केन्द्रीय रेशम बोर्ड अधिनियम, 1948 (1948 का 61) की धारा 4(3)(छ) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा हथकरघा तथा रेशम निदेशक, बिहार सरकार के स्थान पर आयुक्त एवं सचिव उद्योग, बिहार सरकार को केन्द्रीय रेशम बोर्ड के सदस्य के रूप में प्रतिनिधित्व करने के लिए नामित करती है और भारत सरकार के उद्योग मंत्रालय, औद्योगिक विकास विभाग के का०प्र०सं० 743 (ई) दिनांक 20 नवम्बर, 1979 तथा वाणिज्य मंत्रालय, बस्त्र विभाग के का०प्र०सं० 3417 दिनांक 13 दिसम्बर, 1980 की अधिसूचनाओं में आगे संशोधन करती है अर्थात् क्र०सं० 13 के सामने दी गई प्रविष्टियों के स्थान पर निम्नलिखित प्रविष्टि प्रतिस्थापित की जायेगी :

"13. आयुक्त एवं सचिव उद्योग,  
बिहार सरकार, पटना।"

[क्र०सं० 25012/19/78-रेशम]

एल०वी० मन्मथसि, उप सचिव

New Delhi, the 5th January, 1981

S.O. 347.—In exercise of the powers conferred under Section 4(3)(g) of the Central Silk Board Act, 1948 (61 of 1948), the Central Government hereby nominates Commissioner and Secretary Industries Bihar Government to represent as a Member of the Central Silk Board vice Director of Handloom and Sericulture, Government of Bihar and makes further amendment in the Notifications of the Government of India in the Ministry of Industry, Department of Industrial Development S.O. No. 743 (E) dated 20th November, 1979 and

Ministry of Commerce, Department of Textiles S.O. No. 3417 dated 13th December, 1980 namely for the entries against Serial No. 13, the following entry shall be substituted:

"13. Commissioner and Secretary Industries, Government of Bihar, Patna."

[F. No. 25012/19/78-Silk]  
L. V. SAPTHARISHI, Dy. Secy.

मुख्य निर्यातक, आयात-निर्यात का कार्यालय

आदेश

नई दिल्ली, 15 जनवरी, 1981

का०प्र० 348.—सर्वश्री इलेक्ट्रोस्टील कास्टिंग लि०, 4-बी, बी०बी०डी० बाग (ई) कलकत्ता को भारत-चेकोस्लोवाकिया व्यापार योजना के अधीन प्रत्येक 500 के वी ए के 2 नम मकीडा डी जो सेटम के आयात के लिए 12,70,500 रुपये (बारह लाख सतर हजार पांच सौ रुपये मात्र) का आयात लाइसेंस सं० पी/सीजी/2032000/टी/सी प्रार/77/एच/80/सीजी-1 दिनांक 9-10-80 प्रदान किया गया था। फर्म ने उपर्युक्त लाइसेंस की अनुलिपि मुद्रा विनियम नियंत्रण प्रयोजन प्रति के लिए इस आधार पर आवेदन किया है कि मूल मुद्रा विनियम नियंत्रण प्रयोजन प्रति साक्ष्य होने बिना हो खो गई अथवा अस्थानस्थ हो गई है।

2. आने तक के समर्थन में लाइसेंसधारी ने 'नोटरि पब्लिक कलकत्ता के सम्मुख विधिवत शपथ लेते हुए एक शपथपत्र दाखिल किया है। मैं मनुसार संतुष्ट हूँ कि फर्म द्वारा लाइसेंस संख्या पी/सीजी/2032000 दिनांक 9-10-80 की मूल मुद्रा विनियम नियंत्रण प्रयोजन प्रति खो गई अथवा अस्थानस्थ हो गई है। यथा संशोधन आयात (नियंत्रण) आदेश 1955 की उप-धारा 9 (सी सी) के अधीन प्रवृत्त अधिकारों का प्रयोग कर सर्वश्री इलेक्ट्रोस्टील कास्टिंग लि०, कलकत्ता को जारी की गई मूल मुद्रा नियंत्रण प्रयोजन प्रति सं० पी/सीजी/2032000 दिनांक 9-10-80 एतद्वारा रद्द की जाती है।

3. पार्टी को उक्त लाइसेंस की अनुलिपि मुद्रा विनियम नियंत्रण प्रयोजन प्रति भ्रम से जारी की जाती है।

[सं० 937/80/5/1]

जी०एस० ग्रेवाल, उप-मुख्य निर्यातक,  
आयात-निर्यात

(Office of the Chief Controller of Imports &amp; Exports)

ORDER

New Delhi, the 15th January, 1981

S.O. 348.—M/s. Electrosteel Castings Ltd., 4-B. B.B.D. Bagh (E) Calcutta were granted an import licence No. P/CG/2032000/T/CR/77/H/80/CG. I dated 9th October, 1980 for Rs. 12,70,500 (Rupees twelve lakh seventy thousand and five hundred only) for import of 2 Nos. Skoda D. G. Sets of 500 KVA rating each with spares and accessories under Indo-Czech. Trade Plan. The firm has applied for issue of Duplicate of the Exchange Control purposes copy of the above mentioned licence on the ground that the original Exchange Control purposes copy has been lost or misplaced even without opening the letter of Credit.

2. In support of their contention, the licence has filed an affidavit on stamped paper duly Sworn before a Notary Public, Calcutta. I am accordingly satisfied that the original Exchange control purposes copy of import licence No. P/CG/2032000 dated 9-10-80 has been lost or misplaced by the firm. In exercise of the Powers conferred under sub-clause 9 (cc) of the Import (Control) Order, 1955 dated 7-12-1955 as amended the said original Exchange Control purposes copy No. P/CG/2032000 dated 9-10-80 issued to M/s. Electrosteel Castings Limited Calcutta is hereby cancelled.

3. A duplicate Exchange Control purposes copy of the said licence is being issued to the party separately.

[No. 937/80/5/1]]

G. S. GREWAL, Dy. Chief Controller  
of Imports and Exports.

### उद्योग मंत्रालय

(भारी उद्योग विभाग)

नई दिल्ली, 16 जनवरी, 1981

कां०आ० 349.—पृष्ठ 3350 पर छपी इस विभाग की अधिसूचना संख्या 3544 दिनांक 9 अक्टूबर, 1980 में आंशिक संशोधन करने हुए और सार्वजनिक परिषद (अनधिकृत दखलकारी को बेदखली) अधिनियम 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा श्री आर०सी० श्रीवास्तव उप-प्रबन्धक (सिविल), भारत हैवी इलेक्ट्रिकल्स निमिटेड, झांसी को उक्त अधिनियम के प्रयोजन के लिए सम्पदा अधिकारी नियुक्त करती है। यह उक्त अधिनियम के द्वारा या उसके अर्थात् सम्पदा अधिकारी का प्रदत्त शक्तियों का प्रयोग और संपे गए कर्तव्यों का पालन स्थानीय सीमाओं के अन्तर करेगा जैसा 9 अक्टूबर, 1976 की अधिसूचना कां०आ० सं० 3544 की मारणी के भाग II में परिभाषित किया गया है।

[फा० सं० 14(3)/74-एच ईएम]

एन० सुब्रह्मण्यम, ज्वर सचिव

### MINISTRY OF INDUSTRY

(Department of Heavy Industry)

New Delhi, the 16th January, 1981

S.O. 349.—In partial modification of this Dept's notification No. 3544 dated the 9th October, 1976 on page 3350 and in exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints Shri R. C. Srivastava, Dy. (Manager) Civil, Bharat Heavy Electricals Ltd., Jhansi to be the Estate Officer for the purpose of the said Act. He shall exercise the powers conferred and perform the duties imposed on the Estate Officer, by and under the said Act, within the local limits as defined in Part II of the table of the Notification S. O. No. 3544 dated the 9th October 1976.

[F. No. 14(3)/74-HEM.]

N. SUBRAHMANYAM, Under Secy.

### आदेश

नई दिल्ली, 16 जनवरी, 1981

का०आ० 350.—केन्द्रीय सरकार, विकास परिषद (प्रक्रिया) नियम, 1952 के नियम 8 के साथ पठित उद्योग (विकास और नियंत्रण) अधिनियम, 1951 (1951 का 65) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, श्री एम०सी० गुप्त को मॉटेरगाड़ी और सहस्र उद्योग के लिए विकास परिषद के सदस्य के रूप में नियुक्त करती है और भारत सरकार के उद्योग मंत्रालय के आदेश सं० का०आ० सं० 958, तारीख 17 मार्च, 1980 का निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त आदेश में, क्रम सं० 10 और उसमें संबंधित प्रविष्टियों के स्थान पर निम्नलिखित क्रम सं० और उसमें संबंधित प्रविष्टियां रखी जाएंगी, अर्थात् :—

"10. श्री मुनीश गुप्त  
संयुक्त सचिव  
भारत सरकार।"

उद्योग मंत्रालय,  
भारी उद्योग विभाग,  
नई दिल्ली"

उक्त आदेश में अंतिम पैरा के स्थान पर निम्नलिखित पैरा रखा जाएगा, अर्थात् :—

"श्री एम०सी० गुप्त, संयुक्त सचिव, भारी उद्योग विभाग, उद्योग मंत्रालय, नई दिल्ली, को उक्त विकास परिषद के सदस्य-सचिव के रूप में कृत्यों का पालन करने के लिए नियुक्त किया जाता है।"

[फा० सं० 15(2)/77-ए०ई०आई०(1)]

के०एम० राजन, सचिव

### ORDER

New Delhi, the 16th January, 1981

S.O. 350.—In exercise of the powers conferred by section 6 of the Industries (Development & Regulation) Act, 1951 (65 of 1951), read with rule 8 of the Development Council (Procedural) Rules, 1952, the Central Government hereby appoints Shri M. C. Gupta as a member of the Development Council for Automobile and Allied Industries, and makes the following further amendmeents in the Order of the Government of India in the Ministry of Industry No. S. O. No. 958 dated the 17th March, 1980, namely :—

In the said order, for serial No. 10 and the entries relating thereto, the following serial No. shall be substituted namely :—

"10. Shri M. C. Gupta,  
Joint Secretary,  
Government of India,  
Ministry of Industry,  
Department of Heavy Industry,  
New Delhi."

In the said order, for the last para, the following para shall be substituted namely :—

"Shri M. C. Gupta, Joint Secretary, Department of Heavy Industry, Ministry of Industry, New Delhi is hereby appointed to carry out the functions of the said Development Council as Member-Secretary."

[F. No. 15(2)/77-AEI (I)]  
K. S. RAJAN, Secy.

### पेट्रोलियम, रसायन और उर्वरक मंत्रालय

(पेट्रोलियम विभाग)

नई दिल्ली, 31 दिसम्बर, 1980

का०आ० 351.—यत् केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में कूप नं० एन के एंडी से एन के एडू तक पेट्रोलियम के परिवहन के लिए पार्श्व लाइन लेन तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यत् यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एनवपावर्ड अनुसूची में वर्णित भूमि में उपयोग का अधिकार अजित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आणख्य एतद्वारा घोषित किया है।

बताने कि उक्त भूमि में हिनबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप मन्त्र अधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, वडोदरा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट: यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत हो या किसी विधि व्यवसायी की मार्फत।

### अनुसूची

राज्य : गुजरात	जिला : अहमदाबाद	तालुका : विरमगाम			
गांव	सर्वे नं०	हेक्टेयर	ए.आर.ई.	सेन्टायर	
बाल सामण	367	0	09	12	
	368/1	0	06	16	
	369	0	09	12	
	361/1	0	12	84	
	334	0	00	50	
	335	0	06	72	
	360	0	08	04	

[सं० 12016/63/80-प्र०]

## MINISTRY OF PETROLEUM, CHEMICALS AND FERTILIZER

(Department of Petroleum)

New Delhi, the 31st December, 1980

**S.O. 351.**—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from well No. NKAD to NKAU in Gujarat State pipelines should be laid by the Oil & Natural Gas Commission;

And whereas it appears that for the purpose of laying such pipelines, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may within 21 days from the date of this notification, object to the laying of the pipelines under the land to the Competent Authority, Oil & Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

### SCHEDULE

R.O.U. for Well No. NKAD to NKAU

State : Gujarat District : Ahmedabad Talukh : Viramgam

Village	Survey No.	Hectare	Acre	Centiare
Balsasan	367	0	09	12
	368/1	0	06	16
	369	0	09	12
	361/1	0	12	84
	334	0	00	50
	335	0	06	72
	360	0	08	04

[No. 12016/63/80-Prod.]

नई दिल्ली, 3 जनवरी, 1981

**का० प्र० 352.**—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) के धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम, रसायन और उर्वरक मंत्रालय (पेट्रोलियम विभाग) की अधिसूचना का० प्र० सं० 1308 तारीख 14-4-80 द्वारा केन्द्रीय सरकार ने उन अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइपलाइनों को बिछाने के प्रयोजन के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और, यतः मन्त्र आधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार का निर्वाह दे दो है।

और, आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का निश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और, आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय स्थित प्राप्त कारपोरेशन लि० में सभी बाधाओं से मुक्त रूप में, इस घोषणा के प्रकाशन की इस तारीख की तिथि होगा।

### अनुसूची

तहसील : अजमेर	जिला : अजमेर	राज्य : राजस्थान			
ग्राम	खसरा सं०	क्षेत्रफल			
	पुराना	नया	हेक्टेयर	ऐकर	बर्गमीटर
अन्तारी	718	831	0	01	62
	719	832	0	05	67
	720	833	0	03	24
	721	834	0	07	28
गमसर	6057	7886	0	01	62

[सं० 130/20/5/80-प्र०-1]

New Delhi, the 31st January, 1981

**S.O. 352.**—Whereas by a notification of the Government of India in the Ministry of Petroleum, Chemicals and Fertilizer (Department of Petroleum), S.O. 1308 dated 14-4-80 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act submitted report to the Government.

And further the Central Government has after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification.

Now therefore in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipelines.

And further in exercise of the power conferred by Sub-section (4) of that section, the Central Government directs

that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Indian Oil Corporation Limited free from all encumbrances.

### SCHEDULE

Tehsil : Ajmer	District : Ajmer		State : Rajasthan		
Village	Khasra No.		Area		
	Old	New	H.	A.	Sq.M.
Ansari	718	831	0	01	62
	719	832	0	05	67
	720	833	0	03	24
	721	834	0	07	28
Ramsar	6057	7886	0	01	62

[No 12020/5/80-Prod. I]

का०आ० 353.—यतः पेट्रोलियम और खानज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम, रसायन और उर्वरक मंत्रालय (पेट्रोलियम विभाग) की अधिसूचना का०आ० सं० 1309 तारीख 14-4-80 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइपलाइनों को बिछाने के प्रयोजन के लिए अर्जित करने का अपना प्राण्य घोषित कर दिया था।

और, यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और, आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और, आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार निवेदन देती है कि उक्त भूमियों में उपयोग वा अधिकार केन्द्रीय सरकार में विहित होने के बजाय तेल और प्राकृतिक कारपोरेशन लि० में नवी बाधाओं से मुक्त रूप में, इस घोषणा के प्रकाशन की इस तारीख को निहित होगा।

### अनुसूची

तहसील	ब्यावर	जिला :	अजमेर	राज्य :	राजस्थान
ग्राम	खसरा नं०	क्षेत्रफल			
	पुराना	नया	हेक्टर	ऐयर	वर्गमीटर
बड़िया ब्यामा व बड़िया जग्गा	240	362	0	01	62
	240	363	0	00	81
	241	366	0	00	81
लसदिया	68	75	0	05	67
	67/1222	73	0	01	62
काना खेड़ा	1311	2110	0	03	24
	1325	2129	0	03	24
खरवा	4056	6266	0	02	43
	4057	6266	0	09	71

[सं० 12020/5/80-प्रो-II]

S.O. 353.—Whereas by a notification of the Government of India in the Ministry of Petroleum, Chemicals and Fertilizer (Department of Petroleum) S.O. 1309 dated 14-4-80 under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act submitted report to the Government.

And further the Central Government has after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification.

Now therefore in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipelines.

And further in exercise of the power conferred by Sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Indian Oil Corporation Limited free from all encumbrances.

### SCHEDULE

Tehsil : Beawar	District : Ajmer		State : Rajasthan		
Village	Khasra No.		Area		
	Old	New	H.	A.	Sq.M.
Badiya Shyama &	240	362	0	01	62
Badiya Jagga	240	363	0	00	81
	241	366	0	00	81
Lasadiya	68	75	0	05	67
	67/1222	73	0	01	62
Kana Khera	1311	2110	0	03	24
	1325	2129	0	03	24
Kharwa	4056	6266	0	02	43
	4057	6266	0	09	71

[No. 12020/5/80-Prod. II]

का० आ० 354.—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम, रसायन और उर्वरक मंत्रालय (पेट्रोलियम विभाग) की अधिसूचना का०आ० सं० 1433 तारीख 24-4-80 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना प्राण्य घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् हम अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और, आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार निवेदन देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने के बजाय तेल और प्राकृतिक

गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन को इस तारीख को निहित होगा।

### अनुसूची

जे० एल० एन० से झालोरा जी० जी० एस० तक पाइप लाइन बिछाने के लिए।

राज्य-गुजरात	जिला-मेहसाना	तालुका-कडी		
गांव	सर्वे नं०	हेक्टेयर	ए० आर० ई०	सेन्टीयर
घाटज	1869	0	12	75
	1828	0	06	00
	1827	0	03	00
बोरीसना	555/2/5	0	04	35
	555/2/4	0	07	20
	555/1	0	01	50
	550	0	07	80

[सं० 12016/8/80-प्रो०]

**S.O. 354**—Whereas by a notification of the Government of India in the Ministry of Petroleum, Chemicals and Fertilizer (Department of Petroleum), S. O. 1433 dated 24-4-80 under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act submitted report to the Government.

And further the Central Government has after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification.

Now therefore in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipelines.

And further in exercise of the power conferred by Sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

### SCHEDULE

Pipeline from JLN to Jhalora GGS

State : Gujarat District : Mehsana Taluka : Kadi

Village	Survey No.	Hec-taecs.	Are	Centiare
Adraj	1869	0	12	75
	1828	0	06	00
	1827	0	03	00
Borisana	555/2/5	0	04	35
	555/2/4	0	07	20
	555/1	0	01	50
	550	0	07	80

[No. 12016/8/80-Prod.]

नई दिल्ली, 5 जनवरी, 1981

का० धा० 355.—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम,

रसायन और उर्ध्वक मंत्रालय (पेट्रोलियम विभाग) का अधिसूचना का० धा० सं० 2126 तारीख 22-7-80 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार का पाइप लाइनों को बिछाने के प्रयोजन के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्वेश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने के बशर्त तब और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन को इस तारीख को निहित होगा।

### अनुसूची

उत्तर कड़ी जी० जी० एस० से उत्तर कड़ी सी० टी० एक० तक पाइप लाइन बिछाने के लिए 5 मीटर अधिक चौड़ाई।

राज्य : गुजरात	जिला : महमबाबाद	ता. विरमनाम		
गांव	सर्वे नं०	हेक्टेयर	ए० आर० ई०	सेन्टीयर
1	2	3	4	5
बालसासन	216/5	0	1	65
	216/4	0	1	40
	216/3	0	1	40
	216/2	0	0	60
	216/1	0	4	05
	217	0	3	05
	218/2	0	5	25
	202/3	0	2	50
	201/3	0	1	80
	201/2	0	2	25
	199/4	0	0	10
	199/5	0	2	15
	199/2/A	0	2	30
	200/2	0	0	2
	198/P	0	1	25
	198/P	0	1	10
	198/P	0	0	85
	195/1	0	1	00
	196/6	0	2	25
	196/4	0	2	25
	196/3	0	1	15
	196/2	0	0	85
	195/2	0	1	50
	191/2/P	0	3	00

1	2	3	4	5
	198/P	0	0	75
	198/P	0	0	85
	191/2/P	0	1	40
	काटे ट्रैक	0	0	35
	192/4	0	0	03
	192/3	0	2	92
	काटे ट्रैक	0	0	25
	138/3	0	2	95
	138/2	0	1	63
	138/1	0	1	90
	9/1/P	0	16	55
	127/1	0	6	60
	126/2	0	1	45
	126/1/P	0	0	25
	126/P	0	2	35
	126/P	0	0	65
	125/2+3+4/P	0	3	00
	9/1/P	0	5	45
	67/2	0	3	40
	66/P	0	1	05
	66/P	0	4	00
	काटे ट्रैक	0	0	25
	62/1	0	0	35
	61/2	0	4	35
	61/1	0	3	30
	60	0	2	20
	58/P	0	1	50
	58/P	0	3	00
	58/P	0	3	00
	58/P	0	2	75
	58/P	0	0	50
	58/P	0	4	00
	51	0	2	10
	52/1	0	1	85
	49	0	2	20
	53/2	0	1	75

[सं. 12016/34/90-प्रो. I]

New Delhi, the 5th January, 1981

**S.O. 355.**—Whereas by a notification of the Government of India in the Ministry of Petroleum, Chemicals and Fertilizer (Department of Petroleum), S. O. 2126 dated 22-2-80 under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act submitted report to the Government.

And further the Central Government has after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification.

Now therefore in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central

Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipelines

And further in exercise of the power conferred by Sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil & Natural Gas Commission free from all encumbrances, Commission free from encumbrances.

### SCHEDULE

Extra 5 Mtrs ROU for N. Kadi GGS to N. Kadi CTF

State : Gujarat District : Ahmedabad Taluka : Viramgam

Village	Survey No.	Hec-tare	Are	Centiare
Balsasan	216/5	0	1	65
	216/4	0	1	90
	216/3	0	1	40
	216/2	0	0	60
	216/1	0	4	05
	217	0	3	05
	218/2	0	5	25
	202/3	0	2	50
	201/3	0	1	80
	201/2	0	2	25
	199/4	0	0	10
	199/3	0	2	15
	199/2/A	0	2	30
	200/2	0	0	2
	198/P	0	1	25
	198/P	0	1	10
	198/P	0	0	85
	195/1	0	1	00
	196/6	0	2	25
	196/4	0	2	25
	196/3	0	1	15
	196/2	0	0	85
	195/2	0	1	50
	191/2/P	0	3	00
	198/P	0	0	75
	198/P	0	0	85
	191/2/P	0	1	40
	Cart track	0	0	35
	192/4	0	0	03
	192/3	0	2	92
	Cart track	0	0	25
	138/3	0	2	95
	138/2	0	1	03
	138/1	0	1	90
	9/1/P	0	16	55
	127/1	0	6	60
	126/2	0	1	45
	126/1/P	0	0	25
	126/P	0	2	35
	126/P	0	0	65
	125/2+3+4/P	0	3	00
	9/1/P	0	5	45
	67/2	0	3	40
	66/P	0	1	05
	66/P	0	4	00
	Cart-track	0	0	25
	62/1	0	0	35
	61/2	0	4	35
	61/1	0	3	30
	60	0	3	20
	58/P	0	1	50

1	2	3	4	5
	58/P	0	3	00
	58/P	0	3	00
	58/P	0	2	75
	58/P	0	0	50
	58/P	0	4	00
	51	0	2	10
	52/1	0	1	85
	52/2	0	4	75
	49	0	2	20
	53/2	0	1	75

[No. 12016/34/80-Prod. I]

का०आ० 356—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम, रसायन और उर्वरक मंत्रालय (पेट्रोलियम विभाग) की अधिसूचना का० आ० सं० 2220 तारीख 14-8-80 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइपलाइनों को बिछाने के प्रयोजन के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करते के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने के बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की तारीख को निहित होगा।

## अनुसूची

कूप नं० एस० डी० बी० से मोटवान हीडर तक पाइपलाइन बिछाने के लिए

राज्य : गुजरात	जिला : भरुच	तापुका : अंकलेश्वर		
गांव	ब्लॉक नं०	हेक्टेयर	ए	आर ई सेन्टीयर
तेलवा	138	0	09	10
	137	0	03	90
	139	0	23	40

[सं० 12016/37/80-प्रो० II]

**S.O. 356.**—Whereas by a notification of the Government of India in the Ministry of Petroleum, Chemicals and Fertilizer (Department of Petroleum), S. O. 2220 dated 14-8-80 under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962

(50 of 1962) the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act submitted report to the Government.

And further the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification.

Now, therefore in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipelines.

And further in exercise of the power conferred by Sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil & Natural Gas Commission free from all encumbrances.

## SCHEDULE

R.O.U. for laying flow Line from Well No. SDB to Motwan Header

State : Gujarat	District : Bharuch	Taluka : Ankleshwar		
Village	Block No.	Hec- tare	Are	Centiare
Telva	138	0	09	10
	137	0	03	90
	139	0	23	40

[No. 12016/37/80-Prod.II]

का० आ० 357—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का (अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम, रसायन और उर्वरक मंत्रालय (पेट्रोलियम विभाग) की अधिसूचना का० आ० सं० 2623 तारीख 12-9-80 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइपलाइनों को बिछाने के प्रयोजन के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करते के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने के बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

## अनुसूची

कूप नं० एस० डी० डी० से मोटवान I तक पाइपलाइन बिछाने के लिए

राज्य : गुजरात	जिला : भरुच	तालुका : हंसोट			
गांव	ब्लॉक नं०	हेक्टेयर	एम्प्राई	सेन्टीयर	
रोहिड		326	0	05	20
		333	0	11	05
		334/A	0	06	50
		334/B	0	06	50
		336	0	13	00

[सं० 12016/39/80-प्र०.]

**S.O. 357.**—Whereas by a notification of the Government of India in the Ministry of Petroleum, Chemicals and Fertilizer (Department of Petroleum), S. O. 2623 dated 12-9-80 under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government declared its intention to schedule the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act submitted report to the Government.

And further the Central Government has after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification.

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipelines.

And further in exercise of the power conferred by Sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

## SCHEDULE

Pipeline from Well No. S.D.D. to Motwan I

State : Gujarat	District : Bharuch	Taluka : Hansot			
Village	Block No.	Hec-tare	Are	Centiare	
Rohid	326	0	05	20	
	333	0	11	05	
	334/A	0	06	50	
	334/B	0	06	50	
	336	0	13	00	

[No. 12016/39/80-Prd.]

का० भा० 358--यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम, रसायन और उर्वरक मंत्रालय (पेट्रोलियम विभाग) की अधिसूचना का० भा० सं० 2632 तारीख 12-9-80 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइपलाइनों का बिछाने के प्रयोजन के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्वेश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने के अन्तर्गत तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

## अनुसूची

कूप नं० सी० ए० डी० से डी० एम० 54 तक पाइपलाइन बिछाने के लिए

राज्य : गुजरात	तालुका : खम्भात	जिला : खेड़ा			
गांव	सर्वे नं०	हेक्टेयर	एम्प्राई	सेन्टीयर	
कोडवा	199	0	15	60	
	काटे ट्रंक	0	02	60	
	200	0	06	50	
	139	0	04	68	
	137	0	13	26	
	135	0	19	11	
	138	0	03	38	
	108	0	17	42	
	106/1	0	00	50	
	105/2	0	06	50	
	104/1	0	04	46	
	103	0	00	50	
	101/1	0	10	14	

[सं० 12016/46/80 -प्र०.]

**S.O. 358.**—Whereas by a notification of the Government of India in the Ministry of Petroleum, Chemicals and Fertilizer (Department of Petroleum), S. O. 2632 dated 12-9-80 under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act submitted report to the Government.

And further the Central Government has after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification.

Now therefore in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipelines.

And further in exercise of the power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अथ, यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रवृत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाश्चात्ताद विधान के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निवेदन करती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने के बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

### अनुसूची

कू नं० एस० डी० डी० से मोटवान I

राज्य---गुजरात	जिला---भरुच	तालुका---हासोट		
गाँव	सर्वे नं०	हेक्टेयर	एकराई	सेन्टीयर
मोटवान	292	0	10	40
	293	0	01	30
	309	0	01	30
	308	0	10	40
	304	0	13	00
	305	0	06	50
	303	0	15	60
	77	0	07	80
कठोवरा मोटवान रोड		0	02	60
	76	0	05	20
	71	0	05	20
	70	0	26	00
	70	0	10	00
	98	0	31	20
	99	0	26	00
	356	0	16	25
	100	0	10	40

[सं० 12016/4/80--प्रो० I]

New Delhi, the 6th January, 1981

**S.O. 360.**—Whereas by a notification of the Government of India in the Ministry of Petroleum, Chemicals and Fertilizer (Department of Petroleum), S. O. 2361 dated 22-8-80 under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act submitted report to the Government.

And further the Central Government has after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification.

Now therefore in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipelines.

And further in exercise of the power conferred by Sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil & Natural Gas Commission free from all encumbrances.

### SCHEDULE

Pipeline from Well No. S.D.D. to Motwan-I

State : Gujarat	District : Bharuch	Taluka : Hansot		
Village	Survey No.	Hec-tare	Ac-re	Centi-tare
Motwan	292	0	10	40
	293	0	01	30
	309	0	01	30
	308	0	10	40
	304	0	13	00
	305	0	06	50
	303	0	15	60
	77	0	07	80
Kathodra		0	02	60
Motwan Road				
	76	0	05	20
	71	0	05	20
	70	0	26	00
	70	0	10	00
	98	0	31	20
	99	0	26	00
	356	0	16	25
	100	0	10	40

[No. 12016/4/80 Prod..I]

को० जा० 361.--यतः पेट्रोलियम और खनिज . पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम, रसायन और उर्बरक मंत्रालय (पेट्रोलियम विभाग) की अधिसूचना का० जा० सं० 2362 तारीख 22-8-80 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के प्रयोजन के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अथ, यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रवृत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाश्चात्ताद विधान के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निवेदन करती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने के बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

## अनुसूची

कूप नं० एस० बी० बी० से मोटवान तक पाइप लाइन बिछाने के लिए।

राज्य:—गुजरात	जिला—भरुच	तालुका :—अंकलेश्वर			
गांव	सर्वे नं०	हेक्टेयर	एकर	सेन्टीयर	
मोटवान	100	0	26	00	
	101	0	13	00	
	87	0	26	00	

[सं० 12016/4/80--प्रो० II]

S.O. 361.—Whereas by a notification of the Government of India in the Ministry of Petroleum, Chemicals and Fertilizer (Department of Petroleum), S. O. 2362 dated 22-8-80 under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act submitted report to the Government.

And further whereas the Central Government has after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification.

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipelines.

And further in exercise of the power conferred by Sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in The Oil & Natural Gas Commission free from all encumbrances.

## SCHEDULE

Pipeline from Well No. S.D.B. to Motwan

State : Gujarat	District : Bharuch	Taluka : Ankleshwar			
Village	Survey No.	Hec-	Are	Cent-	
		tare		tiare	
Motwan	100	0	26	00	
	101	0	13	00	
	87	0	26	00	

[No. 12016/4/80-Prod. II]

का० आ० 362.—यस. पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अधिनियम, 1962 (1962 का 60) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम, रसायन और उर्वरक मंत्रालय (पेट्रोलियम विभाग) की अधिसूचना का० आ० सं० 1795 तारीख 17-8-80 द्वारा केंद्रीय सरकार ने उस अधिसूचना से सम्बन्ध में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को वाइप लाइनों को बिछाने के प्रयोजन के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केंद्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से सम्बन्ध अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केंद्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से सम्बन्ध अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उक्त धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्रीय सरकार निदेश देती है कि उक्त भूमियों में उपयोग का अधिकार केंद्रीय सरकार में अहित होने के अभाव में और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रमाण की इस तारीख को निहित होगा।

## अनुसूची

कूप नं० एन० के० सी० एम से एन० के० बी० जे० तक वाइप लाइन बिछाने के लिए, आर०ओ०यू०

राज्य : गुजरात	जिला : अहमदाबाद	तालुका : विरमगाम			
गांव	सर्वे नं०	हेक्टेयर	ए०आर०ई०	सेटीयर	
तेलाखी	74	0	09	00	
	122	0	07	32	
	123	0	13	92	
	125	0	08	64	

[सं० 12016/31/80--प्रो०]

S.O. 362.—Whereas by a notification of the Government of India in the Ministry of Petroleum, Chemicals and Fertilizer (Department of Petroleum), S. O. 1795 dated 17-6-80 under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act submitted report to the Government.

And further whereas the Central Government has after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification.

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipelines.

And further in exercise of the power conferred by Sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in The Oil & Natural Gas Commission free from all encumbrances.

## SCHEDULE

R.O.U. for laying pipeline from Well No. NKCS to NKBJ

State : Gujarat	District : Ahmedabad	Taluka : Viramgam			
Village	Survey No.	Hect-	Are	Cent-	
		tare		tiare	
Telavi	74	0	09	00	
	122	0	07	32	
	123	0	13	92	
	125	0	08	64	

[No. 12016/31/80-Prod.]

का० शा० 363—यह पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम, रसायन और उर्वरक मंत्रालय (पेट्रोलियम विभाग) की अधिसूचना का० शा० सं० 2217 तारीख 12-8-80 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को वाह्य लाइनों को बिछाने के प्रयोजन के लिए अर्जित करने का अपना प्राथम्य घोषित कर दिया था।

और यह सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यह केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने के बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, बोझा के प्रकाशन की इस तारीख को निहित होगा।

#### अनुसूची

कूप नं० 159 से जी०जी० एस० VI तक पाइप लाइन बिछाने के लिए

राज्य—गुजरात	जिला—मेहसाना	तालुका—कलो
गांव	ब्लॉक नं०	हेक्टेयर
		नं० धारा 0
छत्तल	323	0 03 00

[सं० 12016/36/80--प्र०]

S.O. 363.—Whereas by a notification of the Government of India in the Ministry of Petroleum, Chemicals and Fertilizer (Department of Petroleum), S.O. 2217 dated 12-8-80 under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act submitted report to the Government.

And further whereas the Central Government has after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification.

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipelines.

And further in exercise of the power conferred by Sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil & Natural Gas Commission free from all encumbrances.

#### SCHEDULE

Pipeline from Well No. 159 to G.G.S. 1

State : Gujarat District : Mehsana Taluka : Kalo

Village	Block No.	Hec- tare	Are	Cent- tiare
Chhatral	323	0	03	00

[No. 12016/36/80-Picd.]

का० शा० 264.—यह पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम, रसायन और उर्वरक मंत्रालय (पेट्रोलियम विभाग) की अधिसूचना का० शा० सं० 2633 तारीख 15-9-80 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइपलाइनों को बिछाने के प्रयोजन के लिए अर्जित करने का अपना प्राथम्य घोषित कर दिया था।

और यह सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यह केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने के बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, बोझा के प्रकाशन की इस तारीख को निहित होगा।

#### अनुसूची

बोझा - 6 से बोझा - 10 तक पाइपलाइन बिछाने के लिए।

राज्य—गुजरात	जिला—महमदाबाद	तालुका—बोझा
गांव	ब्लॉक नं०	हेक्टेयर
		नं० धारा 0
बैठा	238	0 04 65
	233	0 10 65
	232	0 10 35
	231	0 08 10
	228	0 02 00

[सं० 12016/ /80--प्र०]

S.O. 364.—Whereas by a notification of the Government of India in the Ministry of Petroleum, Chemicals and Fertilizer (Department of Petroleum), S. O. 2633 dated 15-9-80 under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act submitted report to the Government.

And further whereas the Central Government has after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification.

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipelines.

And further in exercise of the power conferred by Sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil & Natural Gas Commission free from all encumbrances.

### SCHEDULE

Pipeline from Dholka 6 to Dholka—10.

State : Gujarat	District : Ahmedabad	Taluka : Dholka			
Village	Block No.	Hec-tare	Are	Centiare	
Vautha	238	0	04	65	
	233	0	10	65	
	232	0	10	35	
	231	0	08	10	
	228	0	02	00	

[No. 12016/38-80/Prod.]

क्रा० आ० 365.—यत् पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम, रसायन और उर्वरक मंत्रालय (पेट्रोलियम विभाग) की अधिसूचना क्र० आ० सं० 2627 तारीख 12-9-80 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के प्रयोजन के लिए अर्जित करने का अग्रण प्राप्त अधिकार प्रदान किया था।

और यत् राजा प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यत् केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने के बजाय तेल और प्राकृतिक गैस प्रायोग में, सभी बाधाओं से मुक्त रूप में, बोधणा के प्रकाशन की इस तारीख को निहित होगा।

### अनुसूची

डी०एम० जे० एन०जी० से जी०जी०एम० सुटाना-1 तक पाइप लाइन बिछाने के लिए।

राज्य : गुजरात	जिला : मेहसना	तालुका : मेहसना			
गांव	सर्वे नं०	हेक्टेयर	ए	आर	सेंटीयर
			है		
सुटाना	149/2	0	06	00	

[No. 12016/42/80/Prod.]

S.O. 365.—Whereas by a notification of the Government of India in the Ministry of Petroleum, Chemicals and Fertilizer, (Department of Petroleum), S. O. 2627 dated 12-9-80 under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now therefore in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipelines.

And further in exercise of the power conferred by Sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil & Natural Gas Commission free from all encumbrances.

### SCHEDULE

Pipeline from DS JNG to GGS Jotana-I

State : Gujarat	District : Mehsana	Taluka : Mehsana			
Village	Survey No.	Hec-tare	Are	Centiare	
Jotana	1493/2	0	06	00	

[No. 12016/42/80/Prod.]

क्रा० आ० 366.—यत् पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम, रसायन और उर्वरक मंत्रालय (पेट्रोलियम विभाग) की अधिसूचना क्र० आ० सं० 2628 तारीख 12-9-80 द्वारा केन्द्रीय सरकार ने उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के प्रयोजन के लिए अर्जित करने का अग्रण प्राप्त अधिकार प्रदान किया था।

और यत् सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यत् केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार करने अर्जित का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने के बजाय तेल और प्राकृतिक गैस प्रायोग में, सभी बाधाओं से मुक्त रूप में, बोधणा के प्रकाशन की इस तारीख को निहित होगा।

## अनुसूची

कूप नं० मोटवान हीडर से सी०टी०एफ० तक पाइप लाइन बिछाने के लिए ।

राज्य—गुजरात	जिला—भरुच	तालुका—अंकलेश्वर		
गांव	ब्लाक नं०	हेक्टेयर ए अरर ई सेंटीयर		
मेलवा	133	0 16 25		
	132	0 04 55		
	128	0 23 01		
	146	0 07 80		
	147	0 22 73		
	126	0 17 16		
	186	0 20 15		
	185	0 14 17		
	182	0 09 36		
	183	0 10 79		
	179	0 15 47		
	177	0 16 38		
	174	0 13 91		
	173	0 24 31		
	172	0 14 69		
	171	0 14 82		
	169	0 01 95		

[सं० 12016/43/80—प्रो०-I]

S.O. 366.—Whereas by a notification of the Government of India in the Ministry of Petroleum, Chemicals and Fertilizer, (Department of Petroleum), S.O. 2628 dated 12-9-80 under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipelines.

And further in exercise of the power conferred by Sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil & Natural Gas Commission free from all encumbrances.

## SCHEDULE

Pipeline from well No. Motwan Header to CTF

State : Gujarat District : Bharuch Taluka : Ankleshwar

Village	Block No.	Hectare	Area	Centiare
Telwa	133	0	16	25
	132	0	04	55
	128	0	23	01
	146	0	07	80
	147	0	22	73
	126	0	17	16

1	2	3	4	5
	186	0	20	15
	185	0	14	17
	182	0	09	36
	183	0	10	79
	179	0	15	47
	177	0	16	38
	174	0	13	91
	173	0	24	31
	172	0	14	69
	171	0	14	82
	169	0	01	95

[No. 12016/43/80-Prod. I]

का०प्रा० 367.—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम, रसायन और उर्वरक मंत्रालय (पेट्रोलियम विभाग) की अधिसूचना का०प्रा० सं० 2629 तारीख 12-9-80 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के प्रयोजन के लिए अर्जित करने का अपना आशय घोषित कर दिया था ।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है ।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है ।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रवक्ष्य शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के लिए एतद्वारा अर्जित किया जाता है ।

और आगे उस धारा की उपधारा (4) द्वारा प्रवक्ष्य शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में स्थित होने के बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं ने मुक्त रूप में, बोधना के प्रकाशन की इस तारीख को निहित होगा ।

## अनुसूची

कूप नं० मोटवान हीडर तक पाइप लाइन बिछाने के लिए ।				
राज्य—गुजरात	जिला—भरुच	तालुका—अंकलेश्वर		
गांव	ब्लाक नं०	हेक्टेयर ए अरर ई सेंटीयर		
मोटवान	100	0 13 00		

[सं० 12016/43/80—प्रो०-II]

S.O. 367.—Whereas by a notification of the Government of India in the Ministry of Petroleum, Chemicals & Fertilizer, (Department of Petroleum), S.O. 2629 dated 12-9-80 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification ;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline ;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances

#### SCHEDULE

Pipeline from well No. Motwan Header to CTF

State : Gujarat	Taluka : Ankleshwar	District : Bharuch		
Village	Block No.	Hectare	Area	Centiare
Motwan	100	0	13	00

[No. 121 6/43/80-Prod.II]

कांभा० 368—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) की धारा 3, की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम, रसायन और उर्वरक मंत्रालय (पेट्रोलियम विभाग) की अधिसूचना कांभा० सं० 2630 तारीख 12-9-80 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न भूमियों में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के प्रयोजन के लिए अर्जित करने का अपना आशय घोषित कर दिया था ;

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है ;

और धागे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करते के पश्चात् इस अधिसूचना से संलग्न भूमियों में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है ;

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न भूमियों में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है ;

और धागे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने के बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

#### अनुसूची

कूप नं० मोटवान हीडर से सी०टी०एफ० तक पाइप लाइन बिछाने के लिए।

राज्य—गुजरात	जिला—भरुच	तालुका—अंकलेश्वर		
गांव	ब्लाक नं०	हेक्टेयर एं धार ईं सैटीयर		
पिलुद्रा	224	0	01	30
	198	0	26	39
	219	0	19	11
	220	0	26	00
	234	0	16	25

[सं० 12016/44/80-प्र०]

S.O. 368.—Whereas by a notification of the Government of India in the Ministry of Petroleum, Chemicals & Fertilizer, (Department of Petroleum), S.O. 2630 dated 12-9-80 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline ;

And whereas the Competent Authority has under Sub-section (1) of Section 5 of the said Act, submitted report to the Government ;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification ;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline ;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

#### SCHEDULE

Pipeline from well No. Motwan Header to CTF

State : Gujarat Taluka : Ankleshwar District : Bharuch

Village	Block No.	Hectare	Area	Centiare
Piludra	224	0	01	30
	198	0	26	37
	219	0	17	11
	220	0	26	00
	234	0	16	25

[No. 12016/44/80-Prod.I]

नई दिल्ली, जनवरी 1981

कांभा० 369—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में एस०सी०जी० (49) से सोभासण जी०जी०एस० II तक पेट्रोलियम के परिवहन के लिये पाइप लाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिये ;

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिये एस०सी०जी० में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है ;

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है ;

अतः कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए अर्जित सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, वडोदरा 9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर संलग्न ;

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टः यह भी कथन करेगा कि क्या वह यह चाहता है कि उनकी सुनवाई अस्तित्व में या किसी निश्चित व्यक्तियों की मार्फत।

## अनुसूची

कूप नं० एस०जी०जी० (49) से सोभासन जी०जी०एस० II तक पाइप लाइन बिछाने के लिए आर०प्रो०यू०

राज्य : गुजरात जिला और तालुका : मेहसाणा

गांव	सर्वेक्षण नं०	हेक्टेयर ए आर ई सेंटीयर
जगुदण	664	00 04 08
	674	00 10 80
	598	00 05 88
	627	00 03 24
	626	00 07 92
	625	00 06 00
	624	00 06 48
	623	00 06 36
	622	00 03 60
	621	00 14 40
	633	00 07 92
	639	00 12 96
कार्ट ट्रैक	00	00 72
464	00	04 20
रोड	00	03 24

[सं० 12016/64/80 प्रो०-1]

S.O. 369.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from SCG (49) to Sobhasan GGS II in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission ;

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein :

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority Oil & Natural Gas Commission, Construction and Maintenance Division Makarpura Road, Vadodara (390009) ;

And every person making such objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

## SCHEDULE

ROU from well No. S.C.G. (49) to Sobhasan GGS II

State : Gujarat		Distt & Taluka : Mehsana		
Village	Survey No.	Hectare	Are	Centiare
Jagudan	664	00	04	08
	674	00	10	80
	598	00	05	88
	627	00	03	24
	626	00	07	92
	625	00	06	00
	624	00	06	48
	623	00	06	36
	622	00	03	60
	621	00	14	40
	633	00	07	92
	639	00	12	96
	Cart track	00	00	72
	464	00	04	20
	Road	00	03	24

[No. 12016/64/80-Prod-

कां०भा० 370 — यम. केन्द्रीय सरकार को यह प्रतीत होता है कि संकलित में यह आवश्यक है कि गुजरात राज्य में एस०जी०जी०एस० II से सोभासन तक पेट्रोलियम के परिवहन के लिये पाइपलाइन में तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए ।

और यम. यह प्रतीत होता है कि ऐसी ज़मीनों को बिछाने के प्रयोजन के लिये एन०एन०जी० में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है ।

अतः सब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आग्रह एन०एन०जी० घोषित किया है :

इसमें कि उक्त भूमि में हितवन् कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिये आक्षेप सक्षम प्राधिकारी, तैल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, वडोदरा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा ।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत हो या किसी विधि व्यवसायी की मार्फत ।

## अनुसूची

कूप नं० एस०जी०जी०एस० II से सोभासन तक पाइप लाइन बिछाने के लिए ।

राज्य : गुजरात जिला व तालुका : मेहसाणा

गांव	सर्वे नं०	हेक्टेयर ए आर ई सेंटीयर
कुसकम	318	00 03 00
कार्ट ट्रैक	00	04 75
321	00	13 44
322/पी	00	17 88
कार्ट ट्रैक	00	00 75
173/पी	00	24 00
197	00	07 44
196	00	12 84
194	00	09 36
कार्ट ट्रैक	00	00 72
206	00	09 48
215	00	09 50
212	00	05 64
213	00	11 04
160	00	02 40

[सं० 12016/64/80-प्रो०-II]

S.O. 370.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from SEG to GGS-1 Sobhasan in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission ;

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodara (390 009).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

### SCHEDULE

ROU line from well No. SEG to GGS-1 Sobhasan

State : Gujarat	District & Taluka : Mehsana			
Village	Survey No.	Hectare	Are	Centiare
Kukas	318	00	03	00
	Cart track	00	04	75
	321	00	13	44
	322P	00	17	88
	Cart track	00	00	75
	173/P	00	24	00
	197	00	07	44
	196	00	12	84
	194	00	09	36
	Cart track	00	00	72
	206	00	09	48
	215	00	09	50
	212	00	05	64
	213	00	11	04
	160	00	02	40

[No. 12016/64/80-Prod. II]

कां.सं. 371 —यत् पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम, रसायन और उर्वरक मंत्रालय (पेट्रोलियम विभाग) की अधिसूचना कां.सं. 2524 तारीख 12-9-80 द्वारा केन्द्रीय सरकार ने उन अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के प्रयोजन के लिए अर्जित करने का अपना आशय घोषित कर दिया था ;

और यत् सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है ,

और आगे, यत् केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है ;

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एन.डू.आर. घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एन.डू.आर. अर्जित किया जाता है ।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने के बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधकों से मुक्त रूप में, कोवणा के प्रकाशन की दस तारीख को निहित होगा ।

### अनुसूची

कूप नं० एस०डी०डी० से मोटवाब-1 तक पाइप लाइन बिछाने के लिए

राज्य : गुजरात	जिला : मरुच		तालुका : हंसोट	
गाँव	सर्वे नं०	हेक्टेयर	एअर ई सेंटीयर	
कुडादरा	185	0	09	10
	186/ए	}	0	05
	186/बी			

[सं० 12016/40/80-प्रो० I]

S.O. 371.—Whereas by a notification of the Government of India in the Ministry of Petroleum, Chemicals & Fertilizer, (Department of Petroleum), S.O. 2524 dated 12-9-80 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline ;

And whereas the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Government ;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification ;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline ;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

### SCHEDULE

Pipeline from well No. S.D.D. to Motwan I

State : Gujarat	District : Bharuch		Taluka : Hansot	
Village	Survey No.	Hectare	Are	Centiare
Kudadra	185	0	09	10
	186/A	}	0	05
	186/B			

[No. 12016/40/80-Prod. II]

कां.सं. 372 —यत् पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम, रसायन और उर्वरक मंत्रालय (पेट्रोलियम विभाग) की अधिसूचना कां.सं. 2625 तारीख 12-9-80 द्वारा केन्द्रीय सरकार ने उन अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के प्रयोजन के लिए अर्जित करने का अपना आशय घोषित कर दिया था ।

और यत् सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है ।

और आगे, यत् केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है ।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने के बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

#### अनुसूची

कूप नं० एम० डी० डी० से मोटवान - 1 तक पाइप लाइन बिछाने के लिए।

राज्य:-- गुजरात जिला:-- भरुच तालुका:-- हंसोट

गांव	प्लॉट नं०	हेक्टेयर ए० धार० ई० सेन्टीयर
कठोदरा	93	0 11 70
	149	0 06 50
	122	0 05 20
	122	0 02 60
	116	0 14 30
	117	0 13 00
	116	0 16 60
	114	0 10 40
	112	0 15 60
	99	0 07 80
	101	0 02 60
	100	0 10 40
	87	0 36 40
	86	0 03 90
	84/A	0 18 20
	84/बी०	0 18 20

[सं० 12016/40/80-प्रो० 2]

**S.O. 372.**—Whereas by a notification of the Government of India in the Ministry of Petroleum, Chemicals & Fertilizer, (Department of Petroleum), S.O. 2625 dated 12-9-80 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

#### SCHEDULE

Pipeline from well No. S.D.D. to Motwan I				
State : Gujarat	District : Bharuch	Taluka : Hansot		
Village	Block No.	Hectare	Are	Centiare
Kathodra	93	0	11	70
	149	0	06	50
	122	0	05	20
	122	0	02	60
	116	0	14	30
	117	0	13	00
	116	0	15	60
	114	0	10	40
	112	0	15	60
	99	0	07	80
	101	0	02	60
	100	0	10	40
	87	0	36	40
	86	0	03	90
	84/A	0	18	20
	84/B	0	18	20

[No. 12016/40/80-Prod.II]

का० भा० 373:--यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम, रसायन और उर्वरक मंत्रालय (पेट्रोलियम विभाग) की अधिसूचना का० भा० सं० 2631 तारीख 12-9-80 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के प्रयोजन के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करने हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने के बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

#### अनुसूची

कूप नं० के - 186 से के - 181 तक पाइप लाइन बिछाने के लिए।

राज्य :-- गुजरात जिला:-- मेहसाणा तालुका:-- कालो

गांव	सर्वे नं०	हेक्टेयर	एयार् ई० सेन्टीयर
कालो	775	0	17 55
	774	0	03 60

[सं० 12016/48/80-प्रो०]

**S.O. 373.**—Whereas by a notification of the Government of India in the Ministry of Petroleum, Chemicals & Fertilizer, (Department of Petroleum), S.O. 2631 dated 12-9-80 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962

(50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

#### SCHEDULE

Pipeline from well No. K-186 to K-181

State : Gujarat	District : Mehsana	Taluka : Kalol		
Village	Survey No.	Hectare	Area	Centiare
Kalol	775	0	17	55
	774	0	03	60

[No. 12016/45/80-Prod.]

का० भा० 374.—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम, रसायन और उर्वरक मंत्रालय (पेट्रोलियम विभाग) की अधिसूचना का० भा० सं० 1321 तारीख 23-4-80 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइपलाइनों को बिछाने के प्रयोजन के लिए अर्जित करने का अपना आशय घोषित कर दिया था :

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करने हुए, केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और, आगे उस धारा की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय इन्डियन आयल कार्पोरेशन लि० में सभी बाधाओं से मुक्त रूप में, इस घोषणा के प्रकाशन की इस तारीख को निहित होगा।

पट्टीसल : आबूरोड	जिला : सिराही	राज्य : राजस्थान			
ग्राम	खसरा नं०	क्षेत्रफल	हेक्टर	ऐयर	वर्गमीटर
संतपुर	750		0	08	85

[सं० 12020/2/80-प्रो०]

किरण चड्ढा, अवसर सचिव

S.O. 374.—Whereas by a notification of the Government of India in the Ministry of Petroleum, Chemicals and Fertilizer, (Department of Petroleum), S.O. 1321 dated 23-4-80 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of Section 5 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Indian Oil Corporation Limited free from all encumbrances.

#### SCHEDULE

Tehsil : Abu Road	District : Sirahi	State : Rajasthan			
Village	Khasra No.	Area	H.	A.	Sq.M.
Santpur	750		6	08	85

[No. 12020/2/80-Prod.]

KIRAN CHADHA, Under Secy.

नई दिल्ली, 12 जनवरी, 1981

का० भा० 375.—यतः भारत सरकार की अधिसूचना के द्वारा जैसा कि यहाँ संलग्न अनुसूची में निर्दिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य के नवागाम तेल क्षेत्र में उक्त विनिर्दिष्ट भूमि में व्यधन स्थल सं० कूप नं० 9 से जी० जी० एस० I तक पेट्रोलियम परिवहन के लिए भूमि उपयोग के अधिकार अर्जित किये गये हैं।

तेल एवं प्राकृतिक गैस आयोग ने उपर्युक्त नियम के खण्ड-7 के उप-खण्ड (1) की धारा (1) में विनिर्दिष्ट कार्य दिनांक 31-7-1977 से समाप्त कर दिया गया है।

अतः अब पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम-4 के अन्तर्गत सक्षम प्राधिकारी एतद्वारा उक्त तिथि को कार्य समाप्त की तिथि अधिसूचित करते हैं।

## अनुसूची

कूप नं० ९ से जी० जी० एस I तक पाइप लाइन कार्य समाप्ती				
मंत्रालय का नाम	गांव	का० ब्रा० सं०	भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
पेट्रोलियम, रसायन और उर्वरक मंत्रालय	नवागाम	1434	24-5-1980	31-7-1977

[सं० 12016/11/80-प्रो०-I]

New Delhi, the 12th January, 1981

S.O. 375.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub-section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user in land) Act, 1962 the right of user has been acquired in the lands specified in the schedule appended thereto for the transport of petroleum from well No. 9 to G.G.S. I in Nawagam oil field in Gujarat State.

And whereas the Oil & Natural Gas Commission has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 31-7-1977.

Now therefore under Rule 4 of the Petroleum Pipelines (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

## SCHEDULE

Termination of operation of Pipeline from well No. 9 to G.G.S. I

Name of Ministry	Villages	S.O.No.	Date of publica- tion in the Gazette of India	Date of termina- tion of opera- tion
Petroleum, Chemicals & Fertilizer	Nawagam	1434	24-5-1980	31-7-1977

[No. 12016/11/81-Prod.]

का० ब्रा० 376.—यतः भारत सरकार की अधिसूचना के द्वारा जैसा कि यहाँ संलग्न अनुसूची में निविष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य के मेहसाना तेल क्षेत्र में उक्त विनिर्दिष्ट भूमि में व्ययन स्थल सं० एन० के० बी० एल० से जी० जी० एस० 101 तक पेट्रोलियम परिवहन के लिए भूमि उपयोग के अधिकार अर्जित किये गये हैं।

तेल एवं प्राकृतिक गैस आयोग ने उपर्युक्त नियम के खण्ड-7 के उप-खण्ड (1) की धारा (1) में विनिर्दिष्ट कार्य दिनांक 3-4-79 से समाप्त कर दिया गया है।

अतः अब पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम-4 के अन्तर्गत सक्षम अधिकारी एतद्वारा उक्त तिथि को कार्य समाप्त की तिथि अधिसूचित करते हैं।

## अनुसूची

एन० के० बी० एल० से जी० जी० एस० 101 तक पाइप लाइन कार्य समाप्ती				
मंत्रालय का नाम	गांव	का० ब्रा० सं०	भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
पेट्रोलियम, रसा- यन और उर्वरक मंत्रालय	तेलावी	1383	17-5-1980	3-4-1979

[सं० 12016/15/80-प्रो०-I]

S.O. 376.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub-section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user in land) Act, 1962 the right of user has been acquired in the lands specified in the schedule appended thereto for the transport of petroleum from d.s NKBL to GGS 101 in Mehsana oil field in Gujarat State.

And whereas the Oil & Natural Gas Commission has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 3-4-79.

Now therefore under Rule 4 of the Petroleum Pipelines (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

## SCHEDULE

Termination of Operation of Pipeline From D.S. NKBL to GGS.-101

Name of Ministry	Villages	S.O.No.	Date of publica- tion in the Gazette of India	Date of termina- tion of opera- tion
Petroleum, Chemicals & Fertilizer	Telavi	1383	17-5-80	3-4-79

[No. 12016/15/80-Prod.-I]

का० ब्रा० 377.—यतः भारत सरकार की अधिसूचना के द्वारा जैसा कि यहाँ संलग्न अनुसूची में निविष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य के मेहसाना तेल क्षेत्र में उक्त विनिर्दिष्ट भूमि में व्ययन स्थल सं० एन० के० बी० क्यू से एन० के० बी० वाई से जी० जी० एस० 101 तक पेट्रोलियम परिवहन के लिए भूमि उपयोग के अधिकार अर्जित किये गये हैं।

तेल एवं प्राकृतिक गैस आयोग ने उपर्युक्त नियम के खण्ड-7 के उप-खण्ड (1) की धारा (1) में विनिर्दिष्ट कार्य दिनांक 6-6-79 से समाप्त कर दिया गया है।

अतः अब पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम-4 के अन्तर्गत सक्षम अधिकारी एतद्वारा उक्त तिथि को कार्य समाप्त की तिथि अधिसूचित करते हैं।

[सं० 12016/15/80-प्रो०-I]

## अनुसूची

एन० के० बी० क्यू० से एन० के० बी० वाई० से जी० जी० एम० 101  
तक पाइप लाइन कार्य समाप्ती

मंत्रालय का नाम	गांव	का० प्रा० सं०	भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
पेट्रोलियम, रसायन और उर्वरक मंत्रालय	तेलावी	1382	17-5-1980	6-6-1979

[सं० 12016/15/80-प्रो०-II]

S. O. 377.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub-section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user in land) Act, 1962 the right of user has been acquired in the lands specified in the schedule appended thereto for the transport of petroleum from d.s. NKBY to NKBY to GGS-101 in Mehsana oil field in Gujarat State.

And whereas the Oil & Natural Gas Commission has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 6-6-79.

Now therefore under Rule 4 of the Petroleum Pipelines (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination operation to above.

## SCHEDULE

Termination of Operation of Pipeline from D.S. NKBY to GGS-101

Name of Ministry	Village	S.O.No.	Date of publication in the Gazette of India	Date of termination of operation
Petroleum, Chemicals & Fertilizer	Telavi	1382	17-5-80	6-6-79

[No. 12016/15/80-Prod-II]

का० प्रा० 378.—यतः भारत सरकार की अधिसूचना के द्वारा जैसा कि यहाँ संलग्न अनुसूची में निर्दिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य के मेहसाना तेल क्षेत्र में उक्त विनिर्दिष्ट भूमि में व्यधन स्थल सं० एन० के० सी० डी० से एन० के० सी० ए० से होकर एन० के० बी० वाई तक पेट्रोलियम परिवहन के लिए भूमि उपयोग के अधिकार अर्जित किये गये हैं।

तेल एवं प्राकृतिक गैस आयोग ने उपर्युक्त नियम के खण्ड 7 के उप-खण्ड (i) की धारा (1) में विनिर्दिष्ट कार्य दिनांक 25-1-79 में समाप्त कर दिया गया है।

अतः अब पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम 4 के अन्तर्गत सक्षम अधिकारी एतद्वारा उक्त तिथि को कार्य समाप्त की तिथि अधिसूचित करते हैं।

## अनुसूची

एन० के० सी० डी० से एन० के० सी० ए० से होकर एन० के० सी० डी० तक पाइप लाइन कार्य समाप्ती

मंत्रालय का नाम	गांव	का० प्रा० सं०	भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
पेट्रोलियम, रसायन और उर्वरक मंत्रालय	तेलावी	1379	17-5-1980	25-1-1979

[सं० 12016/15/80-प्रो०-III]

S.O. 378.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user in land) Act, 1962 the right of user has been acquired in the lands specified in the schedule appended thereto for the transport of petroleum from d.s. NKCD to MKBY Via NKCA in Mehsana oil field in Gujarat State.

And whereas the Oil & Natural Gas Commission has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 25-1-79.

Now therefore under Rule 4 of the Petroleum Pipelines (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

## SCHEDULE

Termination of operation to Pipeline from D.S. NKCD to MKBY Via NKCA

Name of Ministry	Village	S.O. No.	Date of publication in the Gazette of India	Date of termination of operation
Petroleum, Chemicals & Fertilizer	Telavi	1379	17-5-80	25-1-79

[No. 12016/15/80-Prod. III]

का० अ० 379.—यतः भारत सरकार की अधिसूचना के द्वारा जैसा कि यहाँ संलग्न अनुसूची में निर्दिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य के मेहसाना तेल क्षेत्र में उक्त विनिर्दिष्ट भूमि में व्यधन स्थल सं० एम० डी० जी० से एम० डी० ए० तक पेट्रोलियम परिवहन के लिए भूमि उपयोग के अधिकार अर्जित किये गये हैं।

तेल एवं प्राकृतिक गैस आयोग ने उपर्युक्त नियम के खण्ड 7 के उपखण्ड (i) की धारा (1) में विनिर्दिष्ट कार्य दिनांक 23-12-75 में समाप्त कर दिया गया है।

अतः अब पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम 4 के अन्तर्गत सक्षम अधिकारी एतद्वारा उक्त तिथि को कार्य समाप्त की तिथि अधिसूचित करते हैं।

अनुसूची				
एस०डी०जी० से एस०डी०एफ० तक पाइपलाइन कार्य समाप्ति				
मंत्रालय का नाम	गांव	का०आ० सं०	भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
पेट्रोलियम, रसायन और उर्वरक मंत्रालय ।	हेबुवा	1315	10-5-80	23-12-75

[सं० 12016/15/80-प्रो०-IV]

S.O. 379.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub-section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user in land) Act, 1962 the right of user has been acquired in the lands specified in the schedule appended thereto for the transport of petroleum from d.s. SDG to SDF in Mehsana oil field in Gujarat State.

And whereas the Oil & Natural Gas Commission has terminated the operations referred to in clause (i) of sub section (1) of section 7 of the said Act on 23-12-75.

Now therefore under Rule 4 of the Petroleum Pipelines (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

## SCHEDULE

Termination of operation of Pipeline from D.S. SDG to SDF

Name of Ministry	Village	S.O. No.	Date of publication in the Gazette of India	Date of termination of operation
Petroleum, Chemicals & Fertilizer	Hebuva	1315	10-5-80	23-12-75

[No. 12016/15/80-Prod. IV]

का०आ० 380.—यत्न भारत सरकार की अधिसूचना के द्वारा जैसा कि यहाँ संलग्न अनुसूची में निर्दिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य के अक्लेश्वर तेल क्षेत्र में उक्त निर्दिष्ट भूमि में व्ययन स्थल सं० कूप न० 212 से कूप न० 135 तक पेट्रोलियम परिवहन के लिए भूमि उपयोग के अधिकार अर्जित किये गये हैं ।

तेल एवं प्राकृतिक गैस आयोग ने उपर्युक्त नियम के खण्ड 7 के उपखण्ड (1) की धारा (i) में निर्दिष्ट कार्य दिनांक 23-5-79 से समाप्त कर दिया गया है ।

अतः अब पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम 4 के अन्तर्गत सक्षम अधिकारी एतद्वारा उक्त तिथि को कार्य समाप्ति की तिथि अधिसूचित करने हैं ।

अनुसूची				
कूप न० 212 से कूप न० 135 तक पाइपलाइन कार्य समाप्ति				
मंत्रालय का नाम	गांव	का०आ० सं०	भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
पेट्रोलियम, रसायन और उर्वरक मंत्रालय ।	उमरवाडा	2002	26-7-80	23-5-79

[सं० 12016/18/80-प्रो०]

S.O. 380.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub-section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user in land) Act, 1962 the right of user has been acquired in the lands specified in the schedule appended thereto for the transport of petroleum from d.s. Well no. 212 to Well no. 135 in Ankleshwar oil field in Gujarat State.

And whereas the Oil & Natural Gas Commission has terminated the operations referred to in clause (i) of sub section (1) of section 7 of the said Act on 23-5-79.

Now therefore under Rule 4 of the Petroleum Pipelines (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notified the said date as the date of termination of operation to above.

## SCHEDULE

Termination of operation of Pipeline from D.S. Well no. 212 to 135

Name of Ministry	Villages	S.O. No.	Date of publication in the Gazette of India	Date of termination of operation
Petroleum, Chemicals & Fertilizer	Umarwada	2002	26-7-80	23-5-79

[No. 12016/18/80-Prod.]

का०आ० 381.—भारत सरकार के अधिसूचना के द्वारा जैसा कि यहाँ संलग्न अनुसूची में प्रदर्शित किया गया है और पेट्रोलियम और खनिज पाइपलाइन (प्रयोकिता के भूमि अधिग्रहण अधिकार) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य के कड़ी तेल क्षेत्र में उक्त परिशिष्ट भूमि में व्ययन स्थल सं० जे०एन०कूप० से जी०जी०एम्० झालोरा तक पेट्रोलियम के लिए भूमि उपयोग के अधिकार अर्जित कर लिये हैं ।

तेल एवं प्राकृतिक गैस आयोग ने उपर्युक्त नियम के खण्ड 7 के उपखण्ड (1) की धारा (1) में निर्दिष्ट कार्य दिनांक 13-6-79 से समाप्त कर दिया है ।

अतः अब पेट्रोलियम पाइपलाइन के नियम (प्रयोकिता के भूमि अधिग्रहण अधिकार) नियम, 1963 के अन्तर्गत सक्षम अधिकारी एतद्वारा उक्त तिथि को कार्य समाप्ति की तिथि अधिसूचित करने हैं ।

## अनुसूची

जे०एल०क्यू० से जी०जी०एम० जालोरा तक पाइपलाइन कार्य समाप्ति

मंत्रालय का नाम	गांव का नाम	का०आ० सं०	भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
पेट्रोलियम, रसायन और उर्वरक मंत्रालय ।	मेरडा	1244	15-6-79	3-5-80

[सं० 12016/53/80-प्र०]

**S.O. 381.**—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub-section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user in land) Act, 1962 the right of user has been acquired in the lands specified in the schedule appended thereto for the transport of petroleum from d.s. JLQ to GGS Jhalora in Kadi oil field in Gujarat State.

And whereas the Oil & Natural Gas Commission has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 15-6-79.

Now therefore under Rule 4 of the Petroleum Pipelines (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notified the said date as the date of termination of operation to above.

## SCHEDULE

Termination of operation of Pipeline from D.S. JLQ to GGS Jhalora

Name of Ministry	Villages	S.O.No.	Date of publication in the Gazette of India	Date of termination of operation
Petroleum, Chemicals & Fertilizer	Merda	1244	15-6-79	3-5-80

[No. 12016/53/80-Prod.]

**का०आ० 382.**—यतः भारत सरकार की अधिसूचना के द्वारा जैसा कि यहाँ संलग्न अनुसूची में निदिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य के अंकलेश्वर तेल क्षेत्र में उक्त विनिर्दिष्ट भूमि में स्थित सं० डबका-14 से डबका-4 तक पेट्रोलियम परिवहन के लिए भूमि उपयोग के अधिकार अर्जित किये गये हैं।

तेल एवं प्राकृतिक गैस आयोग ने उपर्युक्त नियम के खण्ड 7 के उपखण्ड (1) की धारा (i) में विनिर्दिष्ट कार्य दिनांक 10-10-79 से समाप्त कर दिया गया है।

अतः अब पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम-4 के अन्तर्गत मक्षम अधिकारी एतद्वारा उक्त तिथि को कार्य समाप्त की तिथि है।

## अनुसूची

डबका-14 से डबका-4 तक पाइपलाइन कार्य समाप्ति

मंत्रालय का नाम	गांव का नाम	का०आ० सं०	भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
पेट्रोलियम, रसायन कृद्धानवा और उर्वरक मंत्रालय ।	मेरडा	1380	17-5-80	10-10-79

[सं० 12016/57/80-प्र०]

**S.O. 382.**—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub-section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user in land) Act, 1962 the right of user has been acquired in the lands specified in the schedule appended thereto for the transport of petroleum from d.s. Dabka-14 to Dabka-4 in Ankleshwar oil field in Gujarat State.

And whereas the Oil & Natural Gas Commission has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 10-10-79.

Now therefore under Rule 4 of the Petroleum Pipelines (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

## SCHEDULE

Termination of operation of Pipeline from D.S. Dabka-14 to Dabka-4.

Name of Ministry	Villages	S.O.No.	Date of publication in the Gazette of India	Date of termination of operation
Petroleum, Chemicals & Fertilizer	Kehnra	1380	17-5-80	10-10-79

[No. 12016/57/80-Prod.]

नई दिल्ली, 14 जनवरी, 1981

**का०आ० 383.**—यतः इस संलग्न अनुसूची में विनिर्दिष्ट और पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 की धारा 6 की उपधारा (1) के अधीन प्रकाशित भारत सरकार की अधिसूचना द्वारा इण्डियन आयल कारपोरेशन लिमिटेड के लिए गुजरात राज्य के मलाया से उत्तर प्रदेश में मथुरा तक पेट्रोलियम के परिवहन के लिए उन संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग का अधिकार अर्जित कर लिया गया है।

और यतः इण्डियन आयल कारपोरेशन लिमिटेड ने उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (i) में निदिष्ट प्रक्रिया को अनुसूची में निदिष्ट गांव के नाम के मामले विचार्य गई तिथि से पर्यवर्तित कर दिया है।

अब यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) नियमावली, 1963 के नियम 4 के अधीन संक्षेप प्राधिकारी उक्त तिथि को उपर निदिष्ट संक्रिया पर्यवर्तमान की तिथि के रूप में एतद्वारा अधिसूचित करते हैं।

## अनुसूची

व्ययन क्षेत्र सलाया से मथुरा तक पाइपलाइन सक्रिया पर्यवेक्षण

तहसील : किसानगढ़		जिला : अजमेर		राज्य : राजस्थान	
मन्त्रालय का नाम	गाँव	खसरा न०	का० भ्रा० सं०	भारत के राजपत्र में प्रकाशन की तिथि	सक्रिया पर्यवेक्षण की तिथि
पेट्रोलियम, रसायन और उर्वरक मन्त्रालय (पेट्रोलियम विभाग)	1. जोरावर-पुरा	605, 13, 20 और 21	3786	10-12-77	31-5-80
	2. आकोदिया	1685, 1688, 1689	3786	10-12-77	31-5-80

[सं० 12020/21/80-प्र०.]

किरण चड्ढा, अवर सचिव

New Delhi, the 14th January, 1981

S.O. 383.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub-section (1) of section 6 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962, the Right of User has been acquired in the lands specified in the schedule appended thereto for the Indian Oil Corporation Limited for the transport of petroleum from Salaya in Gujarat State to Mathura in Uttar Pradesh;

And whereas the Indian Oil Corporation Limited has terminated the operation referred to in clause (i) of sub-section (1) of section 7 of the said Act on the date shown against the name of village in the schedule;

Now, therefore, under rule 4 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of the said operation.

## SCHEDULE

Termination of operation of Pipeline from Salaya to Mathura  
Teshil : Kishangerh District: Ajmer State : Rajasthan

Name of Ministry	Name of Village	Khasra No.	S.O.No.	Date of Publication in the Gazette of India	Date of Termination
Petroleum, Chemicals & Fertilizer (Department of Petroleum)	1. Jora-warpara	605, 13, 20 & 21	3786	10-12-77	31-5-80
	2. Anko-diya	1685, 1688 & 1689	3786	10.12.77	31.5.80

[No. 12020/21/80.Prod.]  
KIRANADHA, Under Secy.

## नॉटिफिकेशन और परिकल्पना मन्त्रालय

(परिकल्पना पक्ष)

नई दिल्ली, 23 जनवरी, 1981

का० भ्रा० 384.—मुम्बई डॉक कर्मकार (नियोजन का विनियमन) स्कीम, 1956 का और संशोधन करने के लिए स्कीम का एक प्रारूप, डॉक कर्मकार (नियोजन का विनियमन) अधिनियम, 1948 (1948 का 9) की धारा 4 की उपधारा (1) द्वारा यथा अपेक्षित, भारत सरकार के नौवहन और परिवहन मन्त्रालय (भ्रम पक्ष) की अधिसूचना सं० का० भ्रा० 1330, तारीख 25 अप्रैल, 1980 के अधीन, भारत के राजपत्र भाग 2, खण्ड 3, उपखण्ड (ii), तारीख 10 मई, 1980 के पृष्ठ सं० 1369-70 पर प्रकाशित किया गया था, जिसमें राजपत्र में उक्त अधिसूचना के प्रकाशन की तारीख से दो मास की अवधि की समाप्ति तक उन सभी व्यक्तियों से आक्षेप और सुझाव मांगे गए थे, जिनके उससे प्रभावित होने की सम्भावना थी,

और उक्त राजपत्र 26 मई, 1980 को जनता को उपलब्ध करा दिया गया था,

और केन्द्रीय सरकार ने उक्त प्रारूप की बाबत जनता से प्राप्त आक्षेपों और सुझावों पर विचार कर लिया है;

अतः, केन्द्रीय सरकार, उक्त अधिनियम की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मुम्बई डॉक कर्मकार (नियोजन का विनियमन) स्कीम, 1956 का और संशोधन करने के लिए निम्नलिखित स्कीम बनाती है, अर्थात्:—

1. संक्षिप्त नाम और प्रारम्भ: (1) इस स्कीम का संक्षिप्त नाम मुम्बई कर्मकार (नियोजन का विनियमन) संशोधन स्कीम, 1981 है।

(2) यह राजपत्र में प्रकाशन की तारीख को प्रवृत्त होगी।

2. मुम्बई डॉक कर्मकार (नियोजन का विनियमन) स्कीम, 1956 में,—

(1) खण्ड 3 के उपखण्ड (ठ) के स्थान पर निम्नलिखित उपखण्ड रखा जाएगा, अर्थात्:—

“(ठ) ‘मासिक कर्मकार’ से ऐसा रजिस्ट्रीकृत डॉक कर्मकार अभिप्रेत है, जिसे किसी रजिस्ट्रीकृत नियोजक या ऐसे नियोजकों के समूह को स्थायी आधार पर या किसी विनिर्दिष्ट अवधि के लिए आबंटित किया गया है और वह उसके द्वारा मासिक आधार पर नियोजित किया गया है;”

(2) खण्ड 7 के उपखण्ड (ट) के स्थान पर निम्नलिखित उपखण्ड रखा जाएगा, अर्थात्:—

“(ट) रजिस्ट्रीकृत डॉक कर्मकारों के लिए भविष्य निधि और उपदान निधि का अनुवर्षिक और प्रशासन करना;”

(3) खण्ड 15 के उपखण्ड (2) की मद (ख) में, प्रविष्टि (i) के स्थान पर निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात्:—

“(i) मासिक रजिस्टर—ऐसे कर्मकारों का रजिस्टर, जिन्हें प्रत्येक रजिस्ट्रीकृत नियोजक या ऐसे नियोजकों के समूह को स्थायी आधार पर या किसी विनिर्दिष्ट अवधि के लिए आबंटित किया गया है और जिन्हें उनके द्वारा मासिक आधार पर नियोजित किया गया है तथा जो मासिक कर्मकारों के रूप में जाने जाते हैं;”

(4) खण्ड 16 के उपखण्ड (2) के स्थान पर निम्नलिखित उपखण्ड रखा जाएगा, अर्थात्:—

“(2) स्कीम के अधीन रजिस्ट्रीकृत डॉक कर्मकारों को निम्नलिखित रूप में वर्गीकृत किया जाएगा:—

(क) फोरमैन (जिनके अस्तित्व प्रधान फोरमैन और सहायक फोरमैन भी हैं)

- (ख) चार्जमैन
- (ग) स्टीवबोर टिण्डल
- (घ) बिषु ड्राइवर
- (ङ) हैच फोरमैन
- (च) खलासी
- (छ) ज्येष्ठ स्टीवबोर कर्मकार
- (ज) मिलाव और छंटाई लिपिक
- (झ) साधारण प्रयोजन मजदूर का टिडल
- (झ) साधारण प्रयोजन मजदूर
- (ट) स्थोरा पर्यवेक्षक
- (ठ) सहायक स्थोरा पर्यवेक्षक
- (ड) डाक लिपिक" ।

(5) खण्ड 17 के उपखण्ड (2) के स्थान पर निम्नलिखित उपखण्ड रखा जाएगा, अर्थात्:—

“(2) जब कोई रजिस्ट्रीकृत नियोजक या ऐसे नियोजकों का कोई समूह अपने मासिक रजिस्टर में कर्मकारों की संख्या को बढ़ाना या घटाना चाहता है, तो वह बोर्ड से उस प्रभाव का अनुरोध करेगा। बोर्ड अपेक्षित अतिरिक्त कर्मकारों का आबंटन करने या अधिशेष कर्मकारों की रिजर्व पूल में शामिल करने का प्रबन्ध करेगा।”

(6) खण्ड 18 में,—

(क) उपखण्ड (1) में, मद (क) के स्थान पर निम्नलिखित मद रखी जाएगी, अर्थात्:—

“(क) (i) कोई ऐसा डॉक कर्मकार, जो स्कीम के प्रवर्तन की तारीख को मुम्बई डॉक कर्मकार (नियोजन का विनियमन) स्कीम, 1951 के अधीन पहले ही रजिस्ट्रीकृत है या अनुसूची I में प्रब उपवर्णित किए गए प्रवर्गों के किसी मासिक कर्मकार के बारे में, जो रजिस्ट्रीकृत नियोजक द्वारा इस स्कीम के प्रवर्तन की तारीख से स्थायी आधार पर नियोजित किया गया है, यह समझा जाएगा कि वह सभी प्रयोजनों के लिए सेवा की निरन्तरता संहित, इस स्कीम के अधीन रजिस्ट्रीकृत किया गया और अपने क्रमिक रजिस्ट्रीकृत नियोजकों को आबंटित किया गया है ;

(ii) कोई ऐसा मासिक कर्मकार, जो इस स्कीम के प्रवर्तन की तारीख को, रजिस्ट्रीकृत नियोजक द्वारा, सफाई करने वाला कर्मकार, झाड़ू लगाने वाला कर्मकार, स्टिचर या सिलाई करने वाला के रूप में स्थायी आधार पर नियोजित किया गया है, साधारण प्रयोजन मजदूर के रूप में रजिस्ट्रीकृत समझा जाएगा और जो समरूपतः सफाई करने वाला या झाड़ू लगाने वाला टोली टिडल के रूप में नियोजित है, उसको साधारण प्रयोजन मजदूरों के टिडल के रूप में रजिस्ट्रीकृत समझा जाएगा तथा जो समरूपतः परिवान भारमाधक के रूप में नियोजित है, उसको सहायक स्थोरा पर्यवेक्षक के रूप में रजिस्ट्रीकृत समझा जाएगा और जो समरूपतः परिवान लिपिक के रूप में नियोजित है, उसको डॉक लिपिक के रूप में रजिस्ट्रीकृत समझा जाएगा ;

परन्तु यदि किसी व्यक्ति के रजिस्ट्रीकरण की पात्रता के सम्बन्ध में कोई प्रश्न उठता है, तो इसका विनिश्चय बोर्ड द्वारा अपनी बैठक में किया जाएगा” ;

(ख) उपखण्ड (2) का शेष किया जाएगा ;  
(ग) उपखण्ड (7) के स्थान पर निम्नलिखित उपखण्ड रखा जाएगा, अर्थात्:—

“(7) उपखण्ड (1) की मद (ख) के अधीन रजिस्ट्रीकृत नए कर्मकार, रजिस्टर में स्थायी आधार पर दर्ज किए जाने के पूर्व एक वर्ष की अवधि के लिए पम्बीआधीन होंगे ;”,

(7) विद्यमान खण्ड 27 के स्थान पर निम्नलिखित खण्ड रखा जाएगा, अर्थात्:—

“27. उपस्थिति काई में प्रविष्टियाँ—रिजर्व पूल का रजिस्ट्रीकृत डॉक कर्मकार अपना उपस्थिति काई प्रशासनिक निकाय को उस समय सौंप देगा जब उसे रजिस्ट्रीकृत नियोजक के पास कार्य के लिए आबंटित किया जाता है। प्रशासनिक निकाय कर्मकार द्वारा किए गए कार्य की अवधि की बाबत उपस्थिति काई में आवश्यक प्रविष्टियाँ करेगा और उक्त काई को उसकी नियुक्ति के अवसान के पूर्व उसे वापस कर देगा” ;

(8) खण्ड 29 के उपखण्ड (2) की मद (ग) में, “नियोजन के सम्बन्ध में” शब्दों से प्रारम्भ होने वाले और “के मामले में लागू होंगे” शब्दों के साथ समाप्त होने वाले अन्तिम वाक्य का शेष किया जाएगा ;

(9) खण्ड 30 में,—

(i) उपखण्ड (1) की मद (ii) के स्थान पर निम्नलिखित मद रखी जाएगी, अर्थात्:—

“(ii) ज्येष्ठ स्टीवबोर कर्मकार की रिक्तियाँ, नियोजक के नियोजन में रजिस्ट्रीकृत ज्येष्ठ स्टीवबोर कर्मकार द्वारा तब भरी जाएंगी, जब ऐसे कर्मकारों को कोई अन्य कार्य आबंटित नहीं किया जाता है। जब ऐसे कर्मकार उपलब्ध नहीं हैं, तब रिक्तियाँ छुट्टी रिजर्व कर्मकारों द्वारा, जो, यदि नियोजक ऐसी वांछा करे, एक पक्षबाड़े की अवधि के लिए आबंटित किए जा सकेंगे, भरी जाएंगी।” ;

(ii) उपखण्ड (2) की मद (ख) के स्थान पर निम्नलिखित मद रखी जाएगी, अर्थात्:—

(ख) ज्येष्ठ स्टीवबोर कर्मकार की रिक्तियाँ रजिस्ट्रीकृत ज्येष्ठ स्टीवबोर कर्मकार द्वारा हाजिरी भत्ते के आधार पर भरी जाएंगी। जब रिजर्व पूल के हाजिरी के आधार वाले सभी ज्येष्ठ कर्मकार नियोजित हो जाते हैं तब रिक्तियाँ छुट्टी रिजर्व कर्मकारों द्वारा भरी जाएंगी” ;

(iii) उपखण्ड (2) के पश्चात् निम्नलिखित उपखण्ड अस्त-स्वापित किया जाएगा, अर्थात्:—

“(iii) मासिक रजिस्टर में रजिस्ट्रीकृत कर्मकारों के किसी प्रवर्ग में आकस्मिक रिक्तियाँ तत्सम्बन्धी प्रवर्गों से या रिजर्व पूल रजिस्टर में आगे निम्नतर प्रवर्गों से भरी जाएंगी।” ;

(10) खण्ड 37 के उपखण्ड (5) के पश्चात् निम्नलिखित उपखण्ड अस्त-स्वापित किया जाएगा अर्थात्:—

“(6) मासिक रजिस्टर में रजिस्ट्रीकृत डॉक कर्मकार को, एमे रजिस्ट्रीकृत नियोजक के, जिसे वह आबंटित किया गया है, नियोजक में समझा जाएगा ;

परन्तु ऐसा मासिक कर्मकार, जो इस स्कीम के प्रारम्भ की तारीख को किसी रजिस्ट्रीकृत नियोजक द्वारा स्थायी आधार पर नियोजित है, विद्यमान नियोजक को आबंटित किया गया समझा जाएगा।” ;

(11) विद्यमान खण्ड 52 के स्थान पर निम्नलिखित खण्ड रखा जाएगा, अर्थात्:—

“(1) बोर्ड, रजिस्ट्रीकृत डॉक कर्मकारों के लिए अभिव्यक्ति भविष्य निधि और/या पेंशन स्कीम के लिए उपबन्ध करने वाले नियम बनाएगा और उनका प्रचालन करेगा

नियमों में कर्मकारों और नियोजकों से अभिवाय की दर, संदाय को रीति और पद्धति तथा ऐसे अन्य विषयों के लिए, जो आवश्यक समझे जाएं, उचित किया जाएगा :

परन्तु मासिक कर्मकारों को लागू नियम, रिजर्व फूल के कर्मकारों से सम्बन्धित नियमों से कम अनुकूल नहीं होंगे :

परन्तु यह और कि किसी ऐसे प्रवर्ग के मासिक कर्मकारों की दशा में, जिन्हें अब अनुसूची I में उपवर्णित किया गया है, और जो रजिस्ट्रीकृत नियोजकों द्वारा नियोजित हैं, किसी कर्मकार के जमा खाते में पड़ी भविष्य निधि और पेंशन निधि की रकम बोनस को अन्तर्गत कर दी जाएगी तथा खण्ड (2) के अधीन राजपत्र में सरकार द्वारा विनिर्दिष्ट तारीख से बोर्ड में निहित हो जाएगी ;”

- (2) बोर्ड, रजिस्ट्रीकृत कर्मकारों को उद्दान का संदाय करने के लिए नियम बनाएगा :

परन्तु ऐसे नियम उद्दान संदाय अधिनियम, 1972 (1972 का 39) और उसके अधीन बनाए गए नियमों के उपबन्धों से कम अनुकूल नहीं होंगे :

परन्तु यह और कि किसी ऐसे प्रवर्ग के मासिक कर्मकारों की दशा में, जिन्हें अनुसूची I में अब उपवर्णित किया गया है और जो रजिस्ट्रीकृत नियोजकों द्वारा नियोजित हैं, इस खण्ड के अधीन ऐसी तारीख के पूर्व, जो सरकार द्वारा राजपत्र में विनिर्दिष्ट की जाए, की गई सेवा के लिए उन्हें संवेद्य उद्दान बोर्ड को अन्तर्गत कर दिया जाएगा तथा बोर्ड में निहित हो जाएगा ।

- (12) अनुसूची I के स्थान पर निम्नलिखित अनुसूची रखी जाएगी, अर्थात् :—

### अनुसूची I

#### खण्ड 2(2) देखिए

ऐसे डॉक कार्य और डॉक कर्मकारों के, जिन्हें स्कीम लागू होती है, वर्ग या अंका विवरण :—

1. कोयला, यात्री सामान और डॉक कार्य से भिन्न स्टीवडोर कार्य ।

2. स्टीवडोर कर्मकारों के निम्नलिखित प्रवर्ग :—

(क) फोरमैन (जिसे अन्तर्गत प्रधान फोरमैन और सहायक फोरमैन भी हैं)

(ख) आर्जमैन

(ग) स्टीवडोर टिंडल

(घ) सिच ड्राइवर

(ङ) ह्वेच फोरमैन

(च) खलासी

(छ) ज्येष्ठ स्टीवडोर कर्मकार

(ज) मिलान और छंटाई लिपिक

(झ) साधारण प्रयोजन मजदूर के टिंडल

(ञ) साधारण प्रयोजन मजदूर

(ट) स्थोरा पर्यवेक्षक

(ठ) सहायक स्थोरा पर्यवेक्षक

(ड) डॉक लिपिक ।

[फा० सं० एल०डी०बी०/11/80-यू०एस० (एल०)]

बी० शंकरासिंह, उप सचिव

## MINISTRY OF SHIPPING AND TRANSPORT

(Transport Wing)

New Delhi, the 23rd January, 1981

S.O. 384.—Whereas a draft of a scheme further to amend the Bombay Dock Workers (Regulation of Employment) Scheme, 1956 was published as required by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948) at pages 1369-70 of the Gazette of India, Part II, section 3, sub-section (ii), dated the 10th May, 1980 under the notification of the Government of India in the Ministry of Shipping and Transport (Labour Wing), No. S.O. 1330, dated the 25th April, 1980 inviting objections and suggestions from all persons likely to be affected thereby till the expiry of a period of two months from the date of publication of the said notification in the Official Gazette;

And whereas objections and suggestions received from the public on the 26th May, 1980;

And whereas objections and suggestions received from the public on the said draft have been considered by the Central Government;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the said Act, the Central Government hereby makes the following scheme further to amend the Bombay Dock Workers (Regulation of Employment) Scheme, 1956, namely :—

1. Short title and commencement.—(1) This Scheme may be called the Bombay Dock Workers (Regulation of Employment) Amendment Scheme, 1981.

(2) It shall come into force on the date of its publication in the official Gazette.

2. In the Bombay Dock Workers (Regulation of Employment) Scheme, 1956,—

(1) in clause 3, for sub-clause (1), the following sub-clause shall be substituted, namely :—

“(1) ‘monthly worker’ means a registered dock worker who is allotted to a registered employer or a group of such employers, on a permanent basis or for a specified period, and employed by him/it on a monthly basis”;

(2) in clause 7, for sub-clause (k), the following sub-clause shall be substituted, namely :—

“(k) maintaining and administering a Provident Fund and a Gratuity Fund for registered dock workers”;

(3) in clause 15, in sub-clause (2), in item m(b), for entry (i), the following entry shall be substituted, namely :—

“(i) Monthly Register—Register of workers who are allotted to each registered employer or a group of such employers on a permanent basis or for a specified period, and who are employed by them on monthly basis and who are known as monthly workers.”;

(4) in clause 16, for sub-clause (2), the following sub-clause shall be substituted, namely :—

“(2) Dock workers registered under the Scheme shall be classified into :—

(a) Foreman (including Head Foreman & Assistant Foreman).

(b) Chargeman.

(c) Stevedore Tindal.

(d) Winch Driver.

(e) Hatchforeman.

(f) Khalasi.

(g) Stevedore Worker Senior.

(h) Tally and Sorting Clerk.

- (i) Tindal of General Purpose Mazdoor,
- (j) General Purpose Mazdoor.
- (k) Cargo Supervisor,
- (l) Assistant Cargo Supervisor.
- (m) Dock Clerk.”;

(5) in clause 17, for sub-clause (2), the following sub-clause shall be substituted, namely :—

“(2) When a registered employer or a group of such employer wants to increase or decrease the number of workers on his/its monthly register, they shall make a request to the Board to that effect. The Board shall arrange to allot the additional workers required or absorb the surplus workers in the reserve pool.”;

(6) in clause 18,—

(a) in sub-clause (1), for item (a), the following item shall be substituted, namely :—

“(a)(i) Any dock worker who, on the date of enforcement of this Scheme, is already registered under the Bombay Dock Workers (Regulation of Employment) Scheme, 1951, or any monthly worker in the categories now set out in Schedule I and employed by registered employer on the date of enforcement of this scheme on a permanent basis, shall be deemed to have been registered under this Scheme and allotted to their respective registered employers with continuity of service for all purposes;

(ii) Any monthly worker, who on the date of enforcement of this Scheme, is employed by a registered employer as cleaning worker, sweeping worker, stitcher or sewingman on permanent basis, shall be deemed to have been registered as General Purpose Mazdoor and one similarly employed as cleaning or sweeping gang tindal shall be deemed to have been registered as Tindal of General Purpose Mazdoors and one similarly employed as Delivery Incharge shall be deemed to have been registered as Assistant Cargo Supervisor and one similarly employed as Delivery Clerk shall be deemed to have been registered as Dock Clerk :

Provided that if any question regarding eligibility for registration of any person arises, it shall be decided by the Board in a meeting.”;

(b) sub-clause (2) shall be omitted,

(c) for sub-clause (7), for the following sub-clause shall be substituted, namely :—

“(7) New workers registered under item (b) of sub-clause (1) will be on probation for a period of one year before being placed on a permanent basis on the register.”;

(7) for the existing clause 27, the following clause shall be substituted, namely :—

“27. Entries in Attendance Card.—A registered dock worker in the reserve pool shall handover to the Administrative Body, at the time he is allocated for work to a registered employer, his Attendance Card. The Administrative Body shall make necessary entries in the Attendance Card in respect of the period of work done by the worker and return it to him before the expiry of his engagement.”;

(8) in clause 29, in sub-clause (2), in item (c), the last sentence beginning with the words “The same restrictions” and ending with the words, brackets and figures “sub-clause (2) of clause 18.” shall be omitted;

(9) In clause 30,—

(i) for item (ii) of sub-clause (1), the following item shall be substituted, namely :—

“(ii) Vacancies of Stevedore Worker Senior shall be filled by registered Stevedore Worker Senior in the employment of the employer, provided such workers are not allocated to any other job. When no

such workers are available, the vacancies shall be filled by Leave Reserve Workers who may be allotted, if so desired by the employer, for a period of a fortnight.”;

(ii) for item (b) of sub-clause (2), the following item shall be substituted, namely :—

“(b) Vacancies of Stevedore Worker Senior shall be filled by registered Stevedore Worker Senior on attendance allowance. When all the Senior workers on the reserve pool on attendance allowance have been employed, the vacancies shall be filled by Leave Reserve Workers.”;

(iii) after sub-clause (2), the following sub-clause shall be inserted, namely :—

“(3) Casual vacancies in any category of registered workers in the monthly register shall be filled up from the corresponding categories or from the next lower categories in the reserve pool register.”

(10) in clause 37, after sub-clause (5), the following sub-clause shall be inserted, namely :—

“(6) A registered dock worker in the monthly register shall be deemed to be in the employment of the registered employer to whom he is allotted :

Provided that a monthly worker who on the date of commencement of this Scheme is employed by a registered employer on a permanent basis will be deemed to have been allotted to the existing employer.”;

(11) for the existing clause 52, the following clause shall be substituted, namely :—

“(1) The Board shall frame and operate rules providing for contributory provident funds/or pension Scheme, for the registered dock workers. The rules shall provide for the rate of contribution from the workers and the employers, the manner and method of payment and such other matters as may be considered necessary :

Provided that the rules applicable to monthly workers shall not be less favourable than those relating to workers in the reserve pool :

Provided further that in the case of any category of monthly workers who are now set out in Schedule I, and who are employed by the registered employers, the amounts of provident fund and pension fund standing to the credit of any such workers shall be transferred to the Board and shall be vested with the Board from the date specified by the Government in the Official Gazette under Clause (2).

(2) The Board shall frame rules for payment of gratuity to registered workers :

Provided that such rules shall not be less favourable than the provisions of the Payment or Gratuity Act 1972 (39 of 1972), and the rules framed thereunder:

Provided further that in the case of any category of monthly workers, who are now set out in Schedule I and who are employed by the registered employers, the gratuity payable to them for the service rendered prior to such date as may be specified by the Government in the Official Gazette under this clause, shall be transferred to the Board and shall be vested in the Board.”;

(12) for Schedule I, the following Schedule shall be substituted, namely :—

“Schedule I

[See clause 2(2)]

Classes or description of dock work and dock workers to which the Scheme applies :—

1. Stevedoring work other than coal, passenger baggage and mail work.

2. The following categories of stevedores workers :—

(a) Foreman (including Head Foreman and Asst. Foreman).

(b) Chargeman.

- (c) Stevedore Tindal.  
(d) Winch Driver.  
(e) Hatchforeman.  
(f) Khalasi.  
(g) Stevedore Worker Senior.  
(h) Tally and Sorting Clerk.  
(i) Tindal of General Purpose Mazdoor.  
(j) General Purpose Mazdoor.  
(k) Cargo Supervisor.  
(l) Assistant Cargo Supervisor.  
(m) Dock Clerk.”

[File No. LDB/11/80-US(L)]  
V. SANKARALINGAM, Dy. Secy.

### निर्माण और आवास मंत्रालय

(सम्पदा विभाग)

नई दिल्ली, 17 दिसम्बर, 1980

क्रा० आ० 385.—केन्द्रीय सरकार, सरकारी स्थान (अप्रधिकृत अधिकारियों की बेवकाली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, नीचे की सारणी के स्तम्भ 1 में उल्लिखित अधिकारियों को, जो सरकार के राजपत्रित अधिकारी हैं, उक्त अधिनियम के प्रयोजनों के लिए “सम्पदा अधिकारी” नियुक्त करती है, और जाने यह निवेश देती है कि उक्त अधिकारी उक्त सारणी के स्तम्भ 2 में विनिर्दिष्ट सरकारी स्थानों के सम्बन्ध में अपनी अधिकारिता की सीमाओं के भीतर, उक्त अधिनियम द्वारा या उसके अधीन सम्पदा अधिकारियों को प्रदत्त शक्तियों का प्रयोग करेंगे और उन पर अधिरोपित कर्तव्यों का पालन करेंगे।

#### सारणी

अधिकारी का पदनाम	सरकारी स्थानों के प्रवर्ग और अधिकारिता की स्थानीय सीमाएं
1	2
1. अधीक्षण इंजीनियर, दिल्ली केन्द्रीय सर्किल-IX	इन अधिकारियों की अपनी अपनी अधिकारिता की स्थानीय सीमाओं के भीतर दिल्ली और नई दिल्ली स्थित केन्द्रीय लोक निर्माण विभाग के प्रशासनिक नियंत्रण के अधीन सरकारी स्थान।
2. कार्यपालक इंजीनियर 'एच' प्रभाग	
3. कार्यपालक इंजीनियर निर्माण प्रभाग सं० XI	
4. उप निदेशक, उद्यान—कृषि (पश्चिमी प्रभाग)	
5. उप निदेशक, उद्यान—कृषि (पूर्वी प्रभाग)	
6. उप निदेशक, उद्यान—कृषि (केन्द्रीय प्रभाग)	
7. उप निदेशक, उद्यान—कृषि (विकास प्रभाग)	

[क्रा० सं० 21012(6)/80-पी०पी० IV]  
भार० के० सिंह, सम्पदा निदेशक

### MINISTRY OF WORKS & HOUSING

(Directorate of Estates)

New Delhi, the 17th December, 1980

S.O. 385.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officers mentioned in column 1 of the Table below, being gazetted officers of Government to be 'Estate Officers' for the purpose of the said Act, and further directs that the said officers

shall exercise the powers conferred and perform the duties imposed on estate officers by or under the said Act within the limits of their respective jurisdiction in respect of the public premises specified in column 2 of the said Table :—

TABLE

Designation of the officer	Categories of public premises and local limits of jurisdiction
1. Superintending Engineer, Delhi Central Circle-IX. 2. Executive Engineer, 'H' Division. 3. Executive Engineer, Construction Division No. XI. 4. Deputy Director of Horticulture (West Division) 5. Deputy Director of Horticulture (East Division) 6. Deputy Director of Horticulture (Central Division). 7. Deputy Director of Horticulture (Development Division).	Premises under the administrative control of the Central Public Works Department situated at Delhi and New Delhi within the local limits of the respective jurisdiction of these officers.

[F. No. 21012(6)/80-Pol.IV.]  
R. K. SINGH, Director of Estates

### दिल्ली विकास प्राधिकरण

(सर्वे एंड सेटलमेंट यूनिट-1)

नई दिल्ली, 6 जनवरी, 1981

क्रा० आ० 386.—दिल्ली विकास अधिनियम 1957 (1957 की सं० 61) की धारा 22 की उपधारा (4) की व्यवस्थाओं के अनुसरण में दिल्ली विकास प्राधिकरण ने नीचे लिखी अनुसूची में उल्लिखित भूमि वाले गैस्ट हाउस बनाने हेतु सिविक सरकार को हस्तान्तरित करने के लिये भूमि एवं विकास कार्यालय, निर्माण और आवास मंत्रालय, भारत सरकार, नई दिल्ली के निपटान पर देने हेतु केन्द्रीय सरकार के निपटान पर लौटा दी है :—

#### अनुसूची

लगभग 4360 वर्ग गज (लगभग 3645.53 वर्ग मी०) माप का भूमि खण्ड जो पंचसोल मार्ग बाणकपुरी, नई दिल्ली स्थित है, जिसका प्लॉट नं० 34 स्थल 30 है और जो अधिसूचना सं० 4719 दिनांक 21-8-75 का समस्त भाग है।

उपर्युक्त भूमि खण्ड की सीमाएं निम्नलिखित हैं :—

उत्तर में : सड़क

दक्षिण में : सड़क

पूर्व में : फरीदकोट हाउस (प्लॉट नं० 35)

पश्चिम में : पटोदी हाउस (प्लॉट नं० 33)

[स० एस० एच एस० 33 (2)/79 ए एस ओ (1) 5-7]

### DELHI DEVELOPMENT AUTHORITY

(Survey and Settlement Unit I)

New Delhi, the 6th January, 1981

S.O. 386.—In pursuance of the provisions of Sub-section (4) of Section 22 of the Delhi Development Act, 1957 (61 of 1957), the Delhi Development Authority has replaced at the disposal of the Central Government the land described in the schedule below for placing it at the disposal of the Land and

Development Office, Ministry of Works and Housing, Govt. of India, New Delhi, for further transfer to the Government of Sikkim for the construction of their Guest House.

### SCHEDULE

Piece of land measuring about 4360 Sq. yds. (about 3645.53 sq. meter) situated at Panch Sheel Marg, Chankya Puri, New Delhi bearing Plot No. 34 Site No. 30 vide Notification No. S.O. 4719 dated 21-8-75.

The above piece of land is bounded as follows :—

North : Road.

South : Road.

East : Farid Kot House (Plot No. 35).

West : Pataudi House (Plot No. 33).

[No. S&S 33(2)/79/ASO(I) 5-7]

नई दिल्ली, 13 जनवरी, 1981

का० प्र० 387.—दिल्ली विकास अधिनियम, 1957 (1957 की सं० 61) की धारा 22 की उपधारा (4) की व्यवस्थाओं के अनुसरण में दिल्ली विकास प्राधिकरण ने नीचे लिखी अनुसूची में उल्लिखित भूमि प्राप्ति प्राथमरी स्कूल चलाने हेतु भारत का ट्रस्ट चिलड्रन एजुकेशन को हस्तांतरित करने के लिये भूमि एवं विकास कार्यालय निर्माण और आवास मंत्रालय, भारत सरकार, नई दिल्ली के निगटान पर देने हेतु केन्द्रीय सरकार के निगटान पर लौटा दी है :—

#### अनुसूची

लगभग 2.724 एकड़ (लगभग 0.12752 हेक्टर) माप का भूमि खण्ड जो रामा कृष्ण पुरम सेक्टर 13 नई दिल्ली में स्थित है, जिसका प्लाट न० स्लैब 29 है और जो अधिसूचना सं० 4719 दिनांक 21-8-75 का मसत भाग है।

उपर्युक्त भूमि खण्ड की सीमाएं निम्नलिखित हैं:—

उत्तर में : सड़क

दक्षिण में : सड़क तथा उ० प्र० समाज मन्दिर

पूर्व में : सड़क

पश्चिम में : सड़क तथा उ० प्र० समाज मन्दिर

[सं० एस० एण्ड एस० 33 (14)/80 ए एस प्र० (1) 26-28]

सतीश चन्द्र, सचिव  
दिल्ली विकास प्राधिकरण

New Delhi, the 13th January, 1981

S.O. 387.—In pursuance of the provisions of Sub-section (4) of Section 22 of the Delhi Development Act, 1957 (61 of 1957), the Delhi Development Authority has replaced at the disposal of the Central Government the land described in the schedule below for placing it at the disposal of the Land and Development Office, Ministry of Works and Housing, Govt. of India, New Delhi for further transfer to the Children's Education Trust of India for running a Primary School in Sector XIII R. K. Puram.

### SCHEDULE

Piece of land measuring about 2.724 Acres (about 0.12752 Hectors) situated at R. K. Puram, Sector XIII, New Delhi, bearing Plot No. , Site No. 29 vide Notification No. S.O. 4719, dated 21-8-75.

The above piece of land is bounded as follows :—

North : Road.

South : Road and U.P. Samaj Temple.

East : Road.

West : Road and U.P. Samaj Temple.

[No. S&S 33(14)/80/ASO(I)/26-28]

SATISH CHANDRA, Secy.  
Delhi Development Authority.

### पर्यटन और नागर विमानन मंत्रालय

नई दिल्ली, 17 जनवरी, 1981

का० प्र० 388.—केन्द्रीय सरकार, वायुयान नियम, 1937 के नियम 3 के उपनियम (2) के अनुसरण में उड़ान संचिका निदेशक और विमानन सलाहकार, उत्तर प्रदेश सरकार, लखनऊ विमानपत्तन, लखनऊ और पलाहंग क्लब्स/ग्लाइडिंग क्लब्स/ग्लाइडिंग विंगों के संयुक्त सचिवों/कोषाध्यक्षों को नियम 38 के खण्ड (क) में और उक्त नियमों की अनुसूची II के खण्ड छ में निविष्ट शिक्षार्थी पाइलट अनुज्ञप्ति मंजूर करने या उसका नवीकरण करने के लिये भी प्राधिकृत करती है और भारत सरकार के पर्यटन और नागर विमानन मंत्रालय की अधिसूचना सं० का० प्र० 34, तारीख 16 दिसम्बर, 1970 का, जो भारत के राजपत्र, भाग 2, खण्ड 3, उपखण्ड (ii) तारीख 2 जनवरी, 1971 के पृष्ठ 40 पर प्रकाशित की गई थी और प्रविष्टि 11 तथा 12 का, जो पर्यटन और नागर विमानन मंत्रालय के उम्मी राजपत्र में तारीख 24 मार्च, 1971 और 19 जुलाई, 1975 को प्रकाशित अधिसूचनाओं के अनुसार उपर्युक्त अधिसूचना में संशोधन निगमित की गई थी, निम्नलिखित संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में—

(1) क्रम सं० 1 और उसके संबंधित प्रविष्टि के स्थान पर निम्नलिखित रखा जाएगा, अर्थात् :—

“1. पलाहंग क्लब्स/ग्लाइडिंग क्लब्स/ग्लाइडिंग विंगों के अवैतनिक सचिव/संयुक्त सचिव/कोषाध्यक्ष।”

(2) प्रविष्टि 12 के पश्चात् निम्नलिखित प्रविष्टि अन्तः स्थापित की जाएगी, अर्थात् :—

“13. उड़ान संचिका निदेशक और विमानन सलाहकार, उत्तर प्रदेश सरकार, लखनऊ विमानपत्तन, लखनऊ।”

[का० सं० ए० बी० 11012/9/80-ए/ए भारत/1937]

एस० एकम्बरम्, निदेशक

### MINISTRY OF TOURISM AND CIVIL AVIATION

New Delhi, the 17th January, 1981

S.O. 388.—In pursuance of Sub-rule (2) of rule 3 of the Aircraft Rules, 1937, the Central Government hereby authorise the Director of Flight Operations-cum-Aviation Adviser, Government of Uttar Pradesh, Lucknow Airport, Lucknow, and Joint Secretaries/Treasurers of the Flying Clubs/Gliding Clubs/Gliding Wings, also to grant or renew Student Pilot's Licence referred to in clause (a) of rule 38 and in Section 'B' of Schedule II to the said rules, and make the following amendments in the Notification of the Government of India in the Ministry of Tourism and Civil Aviation No. S.O. 34 dated 16th December, 1970 published at page 40 of the Gazette of India, Part II, Section 3, Sub-section (ii) dated 2nd January, 1971, and entries 11 and 12 subsequently incorporated in the above Notification vide Ministry of Tourism and Civil Aviation Notifications dated 24th March, 1971 and 19th July, 1975 published in the same Gazette, namely :—

In the said Notification—

(1) for Serial No. 1 and the entry relating thereto, the following shall be substituted, namely :—

“1. The Honorary Secretary/Joint Secretary/Treasurer of Flying Clubs/Gliding Clubs/Gliding Wings”

(2) after entry 12, the following entry shall be inserted, namely :—

“13. Director of Flight Operations-cum-Aviation Adviser, Government of Uttar Pradesh, Lucknow Airport, Lucknow.”

[F. No. Av. 11012/9/80-A/AR/1937]

S. EKAMBARAM, Director

**संचार मंत्रालय**

(डाक तार बोर्ड)

नई दिल्ली, 20 जनवरी, 1981

का० प्र० 389.—स्थायी आदेश संख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किए गए भारतीय तार नियम, 1951 के नियम 434 के खंड III के पैरा (क) के अनुसार डाक-तार महानिदेशक ने सिड्पिट टेलीफोन केन्द्र में दिनांक 1-2-81 से प्रचालित दर प्रणाली लागू करने का निश्चय किया है :

[संख्या 5-6/81-पी०एच०बी०]

[ह० अपठनीय

सहायक महानिदेशक, (पी० एच० बी०)]

**MINISTRY OF COMMUNICATIONS**

(P &amp; T Board)

New Delhi, the 20th January, 1981

S.O. 389.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director General, Posts and Telegraphs, hereby specifies 1-2-1981 as the date on which the Measured Rate System will be introduced in Siddipet Telephone Exchange, Andhra Pradesh Circle.

[No. 5-6/81-PHB]

Sd/- ILLEGIBLE

Asstt. Director General (PHB)

**अर्थ मंत्रालय****आवेक**

नई दिल्ली, 12 जनवरी, 1981

का० प्र० 390.—केन्द्रीय सरकार की राय है कि इससे उपाय्यक अनुसूची में विनिर्दिष्ट विषयों के बारे में भारतीय जीवन बीमा नियम, श्रम के प्रबंध मंडल से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच एक औद्योगिक विवाद विद्यमान है ;

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना याचनीय समझती है ;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उपधारा (1) के खंड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एक औद्योगिक अधिकरण गठित करती है जिसमें पीठासीन अधिकारी श्री जी० एम० बरोत होंगे, जिनका मुख्यालय अहमदाबाद में होगा और उक्त विवाद को उक्त अधिकरण को न्यायनिर्णयन के लिये निर्देशित करती है ।

**अनुसूची**

क्या प्रभावीय प्रबंधक, भारतीय जीवन बीमा नियम के श्री यू० जे० ओझा, लिपिकीय सहायक को 1 अप्रैल, 1978 से गतिरोध प्रक्रम पर शोध और संवेद्य वेतन वृद्धि को रोकने संबंधी कार्यवाही विधिक और न्यायोचित है ? यदि नहीं, तो संबंधित कर्मकार किंग अनुतोष का हकदार है ?

[सं० एल०-17012/9/80-डी IV (ए)]

नन्द लाल, डैस्क अधिकारी

**MINISTRY OF LABOUR****ORDER**

New Delhi, the 12th January, 1981

S.O. 390.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Life Insurance Corporation of

India, Surat and their workmen in respect of the matter specified in the Schedule hereto annexed ;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication ;

Now, therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (i) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri G. S. Barot shall be Presiding Officer, with headquarters at Ahmedabad and refers the said dispute for adjudication to the said Tribunal.

**SCHEDULE**

Whether the action of the Divisional Manager, Life Insurance Corporation of India in withholding the increment due and payable at stagnation stage on 1st April, 1978 to Shri U. J. Oza, Clerical Assistant, is legal and justified ? If not, to what relief is the concerned workman entitled ?

[No. L-17012/9/80-D-IV(A)]

NAND LAL, Desk Officer

**आवेक**

नई दिल्ली, 12 जनवरी, 1981

का० प्र० 391.—केन्द्रीय सरकार की राय है कि इससे उपाय्यक अनुसूची में विनिर्दिष्ट विषय के बारे में सिंगरनी कोलियरीज कम्पनी लिमिटेड कोथागुडम के प्रबंध मंडल से सम्बद्ध एक औद्योगिक विवाद नियोजकों और उनके कर्मचारों के बीच विद्यमान है ;

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिये निर्देशित करना याचनीय समझती है ;

अतः, केन्द्रीय सरकार, औद्योगिक विवाद अधिनियम, 1947 (1947 की 14) की धारा 7-क और धारा 10 की उपधारा (1) के खंड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, एक औद्योगिक अधिकरण गठित करती है जिसमें पीठासीन अधिकारी श्री बी० मोवादि राव होंगे, जिनका मुख्यालय हैदराबाद में होगा और उक्त विवाद को उक्त औद्योगिक अधिकरण को न्यायनिर्णयन के लिये निर्देशित करती है ।

**अनुसूची**

क्या मैसर्स सिंगरनी कोलियरीज कम्पनी लिमिटेड, कोथागुडम के प्रबंध मंडल के श्री डी० सुब्बाराव, चौकीदार, मानुगुर कोलियरीज को 7-4-1980 से पदच्युत करने की कार्रवाई न्यायोचित है ? यदि नहीं तो वह कितने अनुतोष का हकदार है

[सं० एल०-21012(12)/80-डी-IV (बी)]

**ORDER**

New Delhi, the 12th January, 1981

S.O. 391.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Singareni Collieries Company Limited Kothagudem and their workman in respect of the matter specified in the Schedule hereto annexed ;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication ;

Now, therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri V. Neeladri Rao, shall be the Presiding Officer, with headquarters at Hyderabad and refers the said dispute for adjudication to the said Tribunal.

**SCHEDULE**

Whether the management of Messrs Singareni Collieries Company Limited, Kothagudem is justified in dismissing Shri D Subbarao, Watchman, Manugur Collieries with effect from 7-4-1980 ? If not, to what relief is he entitled ?

[No L 21012(12)/80 D IV(B)]

New Delhi, the 14th January, 1981

**S.O. 392**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No 1, Dhanbad, in the industrial dispute between the employers in relation to the management of West Mudidih Colliery of Messrs Bharat Coking Coal Limited, Post Office Sijua, District Dhanbad and their workmen, which was received by the Central Government on the 6th January, 1981.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO 1, DHANBAD**

In the matter of a reference under Sec 10(1)(d) of the Industrial Disputes Act, 1947

**Reference No. 64 of 1977**

**PARTIES**

Employers in relation to the management of West Mudidih Colliery of M/s BCC Ltd

**AND**

Their Workmen

**APPEARANCES**

For the Employers—Shri T P Choudhury, Advocate

For the Workmen—Shri S Bose, Secretary, Rashtriya Colliery Mazdoor Sangh, Dhanbad

**STATE : Bihar INDUSTRY : Coal**

Dhanbad, dated the 1st January, 1981

**AWARD**

By Order No L-20012/129/75-DIIIA, dated, the 17th June, 1976, the Central Government being of opinion that an industrial dispute exists between the employers in relation to the management of West Mudidih Colliery of M/s BCC Ltd and their workmen in respect of the matter specified in the schedule attached to the order, have referred the same to this Tribunal for adjudication. The schedule to the order reads thus :

"Whether the action of the management of West Mudidih Colliery of Messrs Bharat Coking Coal Limited, Post Office Sijua, District Dhanbad in dismissing Shri Ram Singh Munshi with effect from 23-3-75 is justified ? If not, to what relief is the said workman entitled ?"

2 After receipt of the reference parties have filed their respective written statements and rejoinders. Before the case was taken up a settlement was arrived at between the parties out of court. The settlement has been filed by the parties praying that an award in terms of the settlement be passed. Requisite number of copies of the settlement have also been filed. The settlement also bears the signatures of all the parties concerned including the concerned workman. The terms of the settlement have been admitted before the Tribunal. On reading the settlement it has been found that the terms contained therein are fair and proper. The settlement, therefore, has been accepted. In pursuance to the settlement the concerned workman Shri Ram Singh is held to be entitled to resume duty in his old post the entire period of the absence following his dismissal till the date he actually joins his post will be treated as on leave without pay/wages, the same period shall be taken into account as continuous service for the purpose of gratuity and seniority in service. The workman will

have no claim whatsoever for the period of his un-employment and the concerned workman may be posted in any other collieries within the area

3 The settlement shall form part of the award. Parties are to bear their own costs

B K RAY, Presiding Officer

[No L-20012/129/75-D III(A)]

**BEFORE THE HON'BLE PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL**

**NO 1 AT DHANBAD**

**Reference No. 64/1977**

**PARTIES**

Employers in relation to the management of West Mudidih Colliery of BCC Ltd

**AND**

Their Workmen

The parties beg to submit that during the pendency of this reference, they entered into negotiations with a view to resolve the dispute amicably and it has been agreed that the dispute be settled on the following terms —

(1) That the concerned workmen Sri Siam Singh will be allowed to resume duties with the signing of this compromise in his old post

(2) That the entire period of his absence following his dismissal till the date he actually joins will be treated as on leave without pay/wages

(3) That the said period however, will be taken into account as continuous service for the purpose of gratuity and seniority in service only. He will have no claim whatsoever for period of his unemployment

(4) Sri Singh may be posted in any other collieries within the Area

Since the above compromise is fair and reasonable the parties pray that the Hon'ble tribunal will be pleased to record the same and give the award in thereof

For and on behalf of Employers

(1) Sd/- Illegible For General Manager Area No IV

(2) Sd/- Illegible

Witness

(1) Sd/- Illegible

(2) Sd/- Illegible

For and on behalf of Workmen

(1) (S. Bose)

(2) (Sri Ram Singh)

Concerned workman

**S.O. 393**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal Hyderabad in the industrial dispute between the employers in relation to the management of Singareni Collieries Company Limited, Godavari Khani, Ramagundam Division I Karimnagar District (A P) and their workmen, which was received by the Central Government on the 8th January, 1981

**BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL) AT HYDERABAD**

**Industrial Dispute No. 33 of 1978**

**BETWEEN**

Workmen of Singareni Collieries Co. Ltd., Godavari Khani, Ramagundam Division-I, Karimnagar District (A P)

**AND**

The Management of Singareni Collieries Co. Ltd., Godavari Khani, Ramagundam Division I, Karimnagar District (A.P.).

#### APPEARANCES :

- (1) Sri A. Laxmana Rao, Advocate for the Workman.
- (2) Sarvasri K. Srinivasa Murty and K. Satyanarayana Rao, Advocates for the Management.

#### AWARD

On an industrial dispute that arose between the Management of Singareni Collieries Company Limited, Godavari Khani, Ramagundam Division I, Karimnagar District, Andhra Pradesh and their Workmen in respect of the matters specified in the Schedule, the Government of India by its Order F. No. L-21012(12)/78-D-IV(B), dated 9-10-1978 referred the same to this Tribunal for adjudication under Sections 7A and 10(1)(d) of the Industrial Disputes Act, 1947.

#### SCHEDULE

"Whether the action of the management of Singareni Collieries Company Limited, Ramagundam Division No. 1, Godavari Khani in removing Shri Sudula Venkati, Coal Filler from service with effect from 16-8-76 is justified? If not, to what relief is the concerned workman entitled?"

2. The case of the workman is briefly as follows :— He worked for about 16 years as a Coal Filler in GDK No. 2 Incline of this Company. Due to illness he was unable to attend to his duties from 15-7-1976 to 27-7-1976 and he applied for medical leave and the same was intimated to this Management. Afterwards he produced a medical certificate, but unfortunately this Management did not consider his case and he was not informed about the refusal of the medical leave. Without any notice or enquiry or any charge-sheet, this Company removed his name from muster roll w.e.f. 16-8-1976. He requested the Management a number of times for reinstatement but it was not considered. The Management did not attend the various conciliation meetings arranged. Hence at his instance, this reference was made under Section 2A of I. D. Act.

3. The case of the Management is briefly as follows :— This Workman went on authorised leave from 16-7-1976 to 27-7-1976 and he was to resume duty on 28-7-1976. He remained absent without leave or permission continuously from 28-7-1976 and thereafter. He had not informed the Colliery Manager or any other concerned Officer about his inability to attend his duty. So this Colliery waited upto 16-8-1976 and removed his name from the rolls of the Company as Coal Filler and kept his name in Badli list as he had lost lien on his job in accordance with the Standing Order 11(c). The Management is justified in removing his name. His name was put on Badli list and as he did not turn up for work as casual worker, he lost his chance of his employment as casual worker also. He represented to the Management by his letter dated 27-10-1977, i.e., after about one year, about his inability to join duty. Even before 27-10-1977, this workman settled all his claims. As his name was removed in accordance with the Clause 11(c) of Standing Orders, the question of issue of charge-sheet or notice, or enquiry had not arisen.

4. It is admitted for both sides that this Workman was on authorised leave from 15-7-76 to 27-7-76. Even in the claims statement it was not stated that on 28-7-1976 or earlier to that, this Workman prayed for extension of leave. When in the counter for the Management it was stated that by letter dated 27-10-77 this Workman stated about his inability to join duty, and before that he had not informed this Management about the same, the workman had not chosen to adduce evidence to contradict it, and hence the above version of the Management can be accepted. In the counter for the Management it was stated that even before 27-10-1977 this Workman settled all his claims i.e. C.M.P.F. etc., but it is not mentioned as to when the said claims were settled.

5. It was urged for the workman as follows :—The striking off the name of this workman from the muster roll in pursuance of Clause 11(c) of this Company's Standing Orders

amounts to retrenchment and as reemployment compensation was not paid in accordance with Section 25F of I.D. Act, the order of striking off the name of this workman is not valid and hence this workman is entitled to reinstatement with back wages. It was urged for the Management that as it is not a case of removal due to surplusage, it does not amount to retrenchment, and it is a case of mere working out of the Standing Order and hence there is no positive act on the part of the Management and as such there is no order of termination by the employer, and so this order does not amount to retrenchment and hence Section 25F of the I.D. Act is not attracted.

6. So the point for consideration is "whether the act of this Management in striking off the name of this workman from the muster roll in accordance with Clause 11(c) of Standing Order of this Company amounts to retrenchment? If so, to what relief this Workman is entitled to?"

7. Section 2(oo) of the I.D. Act defines 'retrenchment' as follows :—

"'retrenchment' means the termination by the employer of the service of a workman for any reason whatsoever, otherwise than as a punishment inflicted by way of disciplinary action, but does not include—

- (a) voluntary retirement of the workman; or
- (b) retirement of the workman on reaching the age of superannuation if the contract of employment between the employer and the workman concerned contains a stipulation in that behalf; or
- (c) termination of the service of a workman on the ground of continued ill-health."

8. It is true that in the counter of the Management it was stated that about an year after the expiry of the lien, this workman addressed a letter expressing his inability to attend to the work. So in view of that gap of such a long period of one year, one may urge that it was a case of abandonment, that is voluntary retirement of the workman, and hence it comes under Section 2(oo) sub-clause (a) of I.D. Act. But in the very counter of the Management it was stated that even prior to 27-10-1977 this workman settled his claims and that date was not mentioned. Even though the workman stated in the claims statement that he produced a medical certificate, the date on which he produced the medical certificate was not referred to. So in view of the material on record it is not possible to say as to whether this workman produced the medical certificate shortly after 16-8-1976 the date on which his name was struck off from the muster roll, or long time thereafter. Anyhow it was not urged for the Management that it is a case of voluntary retirement of this workman, and hence there is no need to further consider this aspect, and suffice it to say that it cannot be conclusively stated on the basis of the material on record that it is a case of voluntary retirement of this workman.

9. The learned counsel for workman referred to the following decisions in support of his contentions.

1976(1) LLJ page 478 (STATE BANK OF INDIA vs. N. SUNDARAMONEY)

1978(1) LLJ page 1 (DELHI CLOTH & GENERAL MILLS LTD. vs. SHAMBHU NATH MUKHERJEE AND OTHERS) &

1980(II) ILJ page 72 (SANTOSH GUPTA vs. STATE BANK OF INDIA).

10. The Respondent in 1976 (1) LLJ page 478 (STATE BANK OF INDIA vs. N. SUNDARAMONEY) was appointed as cashier, off and on, by the State Bank of India between July 4, 1970 and November 18, 1972. In the last order of appointment of that cashier it was mentioned that the above employment, unless terminated earlier, would automatically cease at the expiry of the period i.e. 18-11-1972. It was found that including the employment of that cashier on 9 days as per that order, the total period of service had come to 240 days. Then the question had arisen as to whether the termination of that cashier by effluxion of time as per that order of appointment amounts to retrenchment. Then in that con-

text it was observed as follows by the Supreme Court at para 10 of that judgement :—

"A break-down of S. 2(oo) un-mistakably expands the semantics of retrenchment, 'termination.....for any reason whatsoever' are the key words. Whatever the reason, every termination spells retrenchment. So the sole question has the employee's service been terminated." Verbal apparel apart, the substance is decisive. A termination takes place where a term expires either by the active step of the master or the running out of the stipulated term. To protect the weak against the strong this policy of comprehensive definition has been effectuated. Termination embraces not merely the act of termination by the employer, but the fact of termination, howsoever, produced. May be, the present may be a hard case, but we can visualise abuses by employers by suitable verbal devices, circumventing the armour of S. 25F and S. 2(oo). Without speculating on possibilities, we may agree that "retrenchment" is no longer terra incognita, but area covered by an expansive definition. It means "to end, conclude, cease." In the present case the employment ceased concluded, ended on the expiration of nine days—automatically may be, but cessation all the same. That to write into the order of appointment the date of termination confers no moksha from S.25F(b) is inferable from the proviso to S. 25F (a). True, the section speaks of retrenchment by the employer and it is urged that some act of volition by the employer to bring about the termination is essential to attract S. 25F and automatic extinguishment of service by effluxion of time cannot be sufficient."

It was ultimately held therein that the termination even under those circumstances would amount to retrenchment as defined under Section 2(oo) of I. D. Act.

11. In 1978(1) LLJ page 1 (Delhi Cloth and General Mills Limited, Vs. Shambhu Nath Mukherjee and Others), the Management struck off the name of the employer therein from the rolls under the provisions of the Standing Orders of that Management. While dealing with the question as to whether that order amounts to retrenchment or not as per Section 2(oo) of I.D. Act, it was observed as followed by the Supreme Court at paras 14 and 15 of the above decision :—

"14 The workman last attended work on 14th August, 1965. 15th August was a public holiday. He was therefore, absent from work only from 16th of August. So even under the Standing Orders the workman was not absent for "more than eight consecutive days" on 24th August, 1965. The order is, therefore, clearly untenable even on the basis of the standing orders. It is not necessary to express any opinion in this appeal whether "eight consecutive days" in the standing orders mean eight consecutive working days.

15. Striking off the name of the workman from the rolls by the management is termination of his service. Such termination of service is retrenchment within the meaning of S. 2(oo) of the Act. There is nothing to show that the provisions of S. 25F(a) and (b) were complied with by the management in this case. The provisions of S. 25F(a), the proviso apart, and (b) are mandatory and any order of retrenchment, in violation of these two peremptory conditions precedent, is invalid."

12. In 1980(II) LLJ page 72 (Santosh Gupta Vs. State Bank of India) the Supreme Court referred to the above two decisions of the Supreme Court with approval and overruled 1979(1) LLJ page 211 (Robert D'Souza Vs. Executive Engineer, Southern Railway and Another) a full bench decision of the Kerala High Court and similar other decisions of the other High Courts. In that case (1980) 2 LLJ (72) the services of a workman in the Bank were terminated as she failed to pass the test which would have enabled her to be confirmed in the service. Even though it was not a case of termination due to discharge of surplus labour, in view of the definition of retrenchment under Section 2(oo)

of I. D. Act, the Supreme Court held that even such order of termination amounts to retrenchment and hence the workman therein was entitled to the benefits under Section 25F of I.D. Act.

13. So in view of the above decisions of the Supreme Court it was urged for the workman that even the order of striking off the name of a workman from muster roll due to overstay after the expiry of the leave period without permission in pursuance of Standing Order, amounts to retrenchment coming within the scope of Section 2(oo) of I.D. Act.

14. The learned counsel for the Management contended as follows — Even in the case considered by the Supreme Court in 1980 (II) LLJ page 72 (Santosh Gupta Vs. State Bank of India), there was an order of termination passed by that Management. So it was a case of positive act of the Management which resulted in the termination of the services of the employee and so it was treated as an order of termination passed by the Management and hence it was an act of termination by the employer and so it was treated as retrenchment coming within the scope of Section 2(oo) of I.D. Act.

15. It was further urged for the Management as follows :— In 1978 (1) LLJ page 1 (Delhi Cloth & General Mills Ltd. Vs. Shambhu Nath Mukherjee and Others) the Supreme Court held that the order of striking off the name of the workman from the rolls was not justified as the requisite number of days did not elapse from the date of over stayal without permission till the date of that striking off, and hence it was treated as an unjustified order, and hence it was observed that striking off the name of the workman from the rolls by the Management is termination of his service. In that context it has to be stated that the Supreme Court meant that unjustified striking off the name of the workman from the rolls by the Management is termination of his service and such termination of service is retrenchment within the meaning of Section 2(oo) of I.D. Act. Otherwise it (1978) 1 LLJ (1) would be contrary to the decisions of the Supreme Court in 1963 (II) LLJ page 638 (Buckingham and Carnatic Co. Vs. Venkataswamy), 1967 (II) LLJ page 883 (National Engineering Industries Ltd., Jaipur Vs. Hanuman), and 1973 A.I.R. (Part 2), page 1403 (Binny Ltd. Vs. Workman) (Grover J.). In I.D. No. 24 of 1978 the then learned Chairman of this Tribunal held that as the striking off the name of the workman from the rolls in 1978 (1) LLJ page 1 (Delhi Cloth and General Mills Ltd. Vs. Shambhu Nath Mukherjee and Others) was unjustified, such termination was treated as retrenchment. In writ petition No. 4787/78, our High Court observed as follows :—"Sri Ramachandra Rao places strong reliance upon the decision of the Supreme Court in DC & G Mills V. Shambhu Nath Mukherjee A.I.R. 1978 S.C. page 8 (it is equivalent to 1978 (1) LLJ page 1). The Labour Court considered this and other decisions and concluded that this is not a retrenchment within the meaning of Section 2(oo). We see no reason to differ". Hence it is clear that even our High Court had taken that view. Hence if the striking off the name of the workman from muster roll is in accordance with the Standing Order, then the resultant termination cannot be treated as retrenchment coming within the scope of Section 2(oo) of I. D. Act. So the order of striking off the name of the workman from the muster roll, an order which was passed to give effect to the Standing Order 11(c) due to unauthorised over stayal of the workman after the expiry of the leave period, does not amount to an order of termination by the employer, and hence it does not amount to retrenchment coming within the scope of Section 2(oo) of I.D. Act.

16. First I will refer to 1980(II) LLJ, page 72 (SANTOSH GUPTA VS. STATE BANK OF INDIA). Admittedly it was not a case of termination of the services of the workman due to surplusage for it was a case of discharge as the workman did not pass the necessary test which was prescribed for confirmation. Hence the learned counsel for the Management had not urged, rightly, that the ordinary connotation of the word 'retrenchment' is surplusage and as this is not a case of termination due to a surplusage, it is not a case of retrenchment. Hence he has not referred to the various decisions wherein it was held that the word 'retrenchment' indicates termination due to surplusage. But the learned counsel for the Management emphasised the words 'the termination by the employer' in the definition of the word 'retrenchment' as per Section 2(oo) of I.D. Act to contend that in

order to treat any order as retrenchment, it should be shown that it was a case of an order passed by the Management terminating the services of the workman, and an order which was passed in working out the Standing Order cannot be treated as an order of termination by the employer and so it does not amount to retrenchment.

17 In 1963 (VI) LLJ page 638 (BUCKINGHAM & CARNATIC CO. Vs. VENKATAYYA), the services of a workman were terminated as he was absent without leave for more than 8 consecutive days, in pursuance of the Standing Order. There was also a provision in the Standing Orders of that Company whereby if the concerned employee had given an explanation to the satisfaction of the Management the absence should be converted into leave without pay or D.A. In that case the concerned workman produced medical certificate but the Company therein rejected it. The same medical certificate was accepted by Employees State Insurance Corporation when that workman sought sickness benefit for the period of his illness. It was held that the Management in such a case was not bound to accept the medical certificate accepted by the Employees State Insurance authorities for granting sickness benefit. It was further held that automatic termination of contract of employment or relinquishment or abandonment of service by a workman under the provision of the Standing Order would not be termed as discharge by the employer within the meaning of Section 73 of the Employees' State Insurance Act. The question whether such automatic termination of conduct of employment due to over stayal without permission after the expiry of the leave, amounts to retrenchment, within the scope of Section 2(oo) of I.D. Act was not considered in the above decision.

18 In 1967 (II) LLJ page 883 (NATIONAL ENGINEERING INDUSTRIES LTD. JAIPUR Vs. HANUMAN), the Supreme Court held that if a Standing Order provides that a workman would loose his lien on his appointment, if he does not join duty within certain time after his leave expires, it can only mean that his service stands automatically terminated when the contingency happens. So when the services of the concerned workman were automatically terminated when he did not appear for duty after the expiry of his leave, it was held that Section 33 of I.D. Act cannot be said to be contravened and Section 33A would not apply. But that decision does not disclose that it was urged for the workman that such order of termination was not valid due to non-payment of retrenchment compensation as per Section 25F of I.D. Act. In that case it was urged for the workman that such an order of termination would not be valid as it was a case of termination pending Industrial dispute without seeking permission of the Industrial Tribunal. So when the Supreme Court had not considered the question as to whether such automatic termination amounts to retrenchment or not, it cannot be treated as an authority in one way or the other in regard to the above question.

19 1973 A.I.R. (Part 2), page 1403 (BINNY LTD. Vs. WORKMAN (GROYER J.)), the unexpired portion of the leave of the concerned workman was cancelled, and he was asked to report to duty and when he failed to report for duty within 8 consecutive working days after the date of cancellation of leave, his services were terminated in pursuance of the Standing Orders of that Company. In that case it was urged for the Management that the Labour Court erred in holding that Management had no right to cancel leave which had been granted to the workman therein, and the provisions of Standing Order 8(ii) were fully applicable, and since the concerned workman had absented himself for 8 consecutive working days without leave, it should have been held that he had left the Company's service without notice, thereby terminating the contract of service and that the Labour Court, having found that the concerned workman had obtained leave on a false pretext, fell into a serious error in saying that no question of the Management losing confidence in him arose. After referring to the above contentions for the Management the Supreme Court observed as follows in para 7 of the above judgement :—

"It was quite clear that on his own admission he had acted in a manner by which the Management could possibly have no confidence in him for the future. His reinstatement, as well as the payment of Rs. 5000 as back wages therefore, could not have been ordered according to the well settled law and principles

on the point. The last contention seems to be well founded and we do not consider that reinstatement and payment of Rs. 5000 as back wages should have been ordered in the circumstances of the present case. At any rate the appellant has undertaken to pay a sum of Rs. 8,500 ex-gratia to Ramachandran. This amount shall be paid within two months from the date of announcement of this Order."

20 So it is clear that in view of loss of confidence, the Supreme Court set aside the order of reinstatement. The question whether the said order of termination was not valid due to non-payment of retrenchment as per Section 25F has not arisen.

21 So the three decisions referred to for the Management had not considered the question that has to be decided in this reference.

22 It is true that in 1978(1) LLJ page 1 (DELHI CLOTH AND GENERAL MILLS LTD. Vs. SHAMBHU NATH MUKHERJEE AND OTHERS), the Supreme Court observed that even as per the Standing Orders of the Company, the order passed by the Company therein was not just. Even though the words 'striking off' was not qualified with the word 'unjust' in para 15 in 1978(1) LLJ page 1 (DELHI CLOTH & GENERAL MILLS LTD. Vs. SHAMBHU NATH MUKHERJEE AND OTHERS), the Labour Court held that only unjust striking off would amount to termination of service by the employer coming within the scope of Section 2(oo) of I.D. Act and that view was accepted by our High Court in writ petition No. 4787/78. But it may be noted that in the above writ petition, our High Court held that as the workman in that case did not report to duty for as many as 3 years, the Management was justified in treating it as having voluntarily retired from his work, and so it should not be treated as retrenchment in view of sub-clause (a) of Section 2(oo) of I.D. Act. Hence our High Court had not discussed 1978(1) LLJ page 1 (DELHI CLOTH & GENERAL MILLS LTD. Vs. SHAMBHU NATH MUKHERJEE AND OTHERS) in detail.

23 I already observed that Supreme Court in 1980 (II) LLJ page 72 (SANTOSH GUPTA Vs. STATE BANK OF INDIA) over-ruled the full Bench decision of the Kerala High Court in 1979 (1) LLJ page 211 (ROBERT D'SOUZA Vs. EXECUTIVE ENGINEER, SOUTHERN RAILWAY AND ANOTHER). In that case a casual labourer under the railway administration was informed that his services were deemed to have been terminated from the date he absented himself in view of Rule 2505 of the Railway Establishment Manual. Then the question posed for consideration before the full bench is as follows :—

"Whether the termination of service of casual labourer, employed under the railway administration brought about by the operation of Rule 2505 of the Railway Establishment Manual by reason of his having absented himself, constitutes 'retrenchment' so as to attract the provisions of Section 25F of the Industrial Disputes Act"

The full bench held that as termination in such a case is not a case of discharge due to surplusage, it does not amount to retrenchment coming within the scope of Section 2(oo) of I.D. Act and hence Section 25F of I.D. Act was not attracted in that case.

24 The learned counsel for the workman contended as follows :—The termination in that Kerala case was due to unauthorised absence, and in this case the termination was due to unauthorised over stayal after the expiry of the leave and thus in both the cases it is a case of automatic termination in pursuance of the concerned Rule or Standing Order. When the decision of the Kerala High Court that such an order does not amount to retrenchment was over-ruled by the Supreme Court, such an order has to be treated as retrenchment in view of the decision of the Supreme Court reported in 1980 (II) LLJ page 72 (SANTOSH GUPTA Vs. STATE BANK OF INDIA).

25 The learned counsel for the Management contended as follows :—The Kerala High Court, held that such an order of termination does not amount to retrenchment by observing that only cases of surplusage come within the scope of the word 'retrenchment', and as the Supreme Court held

that even though such an order of termination does not amount to termination due to surplusage, it amounts to retrenchment, it overruled the decision of the Kerala High Court reported in 1979 (1) 11J page 211 (ROBERT L SOUZA VS EXECUTIVE ENGINEER SOUTHERN RAILWAY AND ANOTHER) Hence it cannot be stated that the Supreme Court held in 1980 (1) 11J page 72 (SANTOSH GUPTA VS STATE BANK OF INDIA) that even a case of automatic termination in pursuance of Standing Order amounts to an order of termination passed by the Management coming within the scope of Section 2(oo) of ID Act

26 In 1967 (1) 11J page 883 (NATIONAL ENGINEERING INDUSTRIES LTD JAIPUR VS HANUMAN), the Supreme Court referred the termination in pursuance of Standing Order in case of unauthorised over stayal for requisite number of days after the expiry of the leave, as automatic termination. The question that has to be considered for the purposes of this present reference is as to whether such automatic termination is excluded from the purview of the definition of the word 'retrenchment' as per Section 2(oo) of ID Act as urged for the Management

27 Clause (a) of Section 2(oo) of ID Act shows that cessation of the relationship of master and servant due to the voluntary retirement of the workman is excluded from the scope of retrenchment. The act of voluntary retirement of workman is in no way concerned with any act of the employer. So if there is cessation of the relationship of master and servant only, on the ground of the act of the workman, and if such an act is not treated as within the scope of the word 'retrenchment' then there is no need to exclude it from the definition. So the fact that the act of voluntary retirement of the workman is excluded from the scope of retrenchment suggests that, but for that exclusion, such act also would have amounted to retrenchment. So that exclusion suggests that cessation of relationship of employer and employee due to the act of employee only also would amount to retrenchment unless it was specifically excluded. But the learned counsel for the Management urged that even if a word does not include a certain aspect in its accepted parlance by way of abundant caution, the legislature while defining that word may exclude that aspect, and so when the act of voluntary retirement of the workman can never be treated as termination by the employer, and if by way of abundant caution that aspect was excluded from the definition of retrenchment it cannot be stated on that basis that cessation of relationship of master and servant due to the act of the employee amounts to 'termination by the employer'.

28 It may be noted that in 1980 (1) 11J page 72 (SANTOSH GUPTA VS STATE BANK OF INDIA), the Supreme Court referred to a passage in 1976(1) 11J page 478 with approval. In that passage it was observed that 'termination embraces not merely the act of termination by the employer, but the fact of termination howsoever produced. True, the section speaks of retrenchment by the employer and it is urged that some act of volition by the employer to bring about the termination is essential to attract Section 25F and automatic extinguishment of service by efflux of time cannot be sufficient. While dealing with the latter aspect it was observed that 'an employer terminates employment not merely by passing an order as the service runs, he can do so by writing a composite order one giving employment and the other ending or limiting it. A separate subsequent determination is not the sole magnetic pull of the provision, a pre-emptive provision to terminate is struck by the same vice as the post-appointment termination'.

29 So the above passage shows that even if there is no act of volition on the part of the employer in terminating the services still such termination can be treated as a termination within the scope of Section 2(oo) of ID Act. Of course it was also held therein that such an act of volition can be exercised even at the time of appointment. It may be noted that Standing Orders can be treated as part of terms of contract. So if a Standing Order indicates that the services of a workman is liable to be terminated in case of any contingency which may arise then if the services of the workman are terminated when such a contingency had arisen, then it can be stated that even at the time of appointment, if the relevant Standing Orders existed by the time of appointment, or on the date of the certification of the Standing Orders if rele-

vant Standing Orders have come into existence after the appointment of such workman that such volition was exercised by the employer. So by adopting the reasoning in 1976 (1) 11J page 478 (STATE BANK OF INDIA VS N. SUNDARAMONY) it can be stated that there was an act of volition by the employer even in case of automatic termination. Hence I find that the order of dismissal in this reference is an act of retrenchment and hence the workman is entitled to the benefits under Section 25F of ID Act.

30 Admittedly the workman herein was not paid the amounts as per Section 25F of ID Act and hence the order of this Company striking the name of this workman from muster roll is not valid and I find accordingly.

31 As there is no valid order of termination, it has to be held that this workman is continued to be in service of this Company and hence he has to be reinstated and I find accordingly.

32 If the order of termination is not valid then necessarily the workman is entitled to the back wages unless there are justifiable reasons for disallowing the same. The well accepted principle is 'no work no pay'. Hence this workman is not entitled to the wages on days prior to the date on which he had reported for duty. But I already observed that there is no material on record to indicate as to when this workman reported for duty. If there is no recorded evidence with this Company had to when this workman reported for duty after the expiry of leave on 27th July, 1976, there will not be any possibility of implementing the award if it is stated that this workman is entitled to back wages except for the period from 27th July, 1976 till he reported for duty. But admittedly this Company is having recorded evidence about the date on which this workman settled his claims. So in the circumstances, it is proper to order that this workman is entitled to back wages, except for the period from 28th July, 1976 till he settled his claims and I find accordingly.

33 Hence the action of the Management of Singareni Collieries Company Limited, Ramagundam Division No 1, Godavari Khan in removing Sri Sudula Venkata, Coal Filler from service w.e.f. 16th August, 1976 is not justified. This Company had to reinstate him and he had to be given back wages except for the period from 28th July, 1976 till the date on which his claims were settled and that period should be treated as leave without pay or any allowances.

34 The award is passed accordingly.

Dictated to the Stenographer, transcribed by him and corrected by me and given under my hand and the seal of this Tribunal this the 19th day of December, 1980

Sd/-

ILLEGIBLE

INDUSTRIAL TRIBUNAL

APPENDIX OF EVIDENCE—NIL

V NEELADRI RAO, Presiding Officer

[No L-21012(12)/78-D IV(B)]

S.O. 394.—In pursuance of section 17 of the Industrial Disputes Act 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Hyderabad, in the industrial dispute between the employers in relation to the management of Singareni Collieries Company Limited, Ramagundam Division No 1 Post Office Godavari Khan District Karimnagar and their workmen, which was received by the Central Government on the 8th January, 1981

BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL) AT HYDERABAD

Industrial Dispute No. 16 of 1979

BETWEEN

Workmen of Singareni Collieries Company Limited, Ramagundam Division No 1 Godavari Khan, Karimnagar District (A P)

AND

The Management of Singareni Collieries Company Limited, Ramagundam Division No. 1, Godavari Khani, Karimnagar District (A.P.).

#### APPEARANCES

- (1) Shri A. Lakshmana Rao, Advocate—for the Workman,
- (2) Sarvasri K. Srinivasa Murthy and K. Satyanarayana Rao, Advocates—for the Management.

#### AWARD

On an industrial dispute that arose between the Management of Singareni Collieries Company Limited, Ramagundam Division No. 1, Post Office Godavari Khani, District Karimnagar and their Workman in respect of the matters specified in the Schedule, the Government of India by its Order F. No. L-21012(19)/78-D. IV, (B), dated 16th March, 1979 referred the same to this Tribunal for adjudication under sections 7A and 10 (1)(d) of the Industrial Disputes Act, 1947.

#### SCHEDULE

"Whether the action of the Divisional Superintendent, Ramagundam Division No. 1 of Singareni Collieries Company Limited, Post Office Godavari Khani, Karimnagar District (Andhra Pradesh) is not allowing Shri P. Krishna, Ex-Fitter, Area Workshop, to join his duties with effect from 11 June, 1978 is justified? If not, to what relief is the concerned workman entitled?

2. The case of the Workman is briefly as follows :—This Workman joined service of this Company in April, 1965 as a fitter at Kothagudem in Khammam District. In August, 1976 he was transferred to Godavari Khani, Karimnagar District. As he was not allotted any quarter at that place, he left his family at Kothagudem. On 4th May, 1978 he fell sick and on the very same day he reported sick at the Colliery hospital and he was on the sick list. While he was undergoing treatment as out-patient, a messenger came from Kothagudem at about mid-night on 13 May, 1978 and informed him that his mother was on the death bed. So immediately he left for Kothagudem. On 19 May, 1978 his mother passed away and it had become necessary for him to be present at Kothagudem till the last rites were performed on the 22nd day after her death. During his stay at Kothagudem his health got worsened further and he had to seek treatment till 9th June, 1978 from a private medical practitioner. He returned to Godavari Khani on 11 June, 1978 after he was found fit for duty by the medical practitioner who treated him, and reported for duty on the very same day, explaining the circumstances under which he was compelled to leave the place abruptly and he also produced the medical certificate at the time of reporting for duty. But he was not allowed to join duty and he was directed to see the notice put upon the notice board to the effect that his services stood terminated under Standing Order 11(c) of the Company's Standing Orders w.e.f. 5th June, 1978. The said order of this Company is illegal, improper and vindictive. The said Standing Order is not applicable to the facts of this case, for no leave was granted to him when he first became sick. The period of ten days referred to in Standing Order 11(c) is not to be treated as mandatory. Striking off name or losing lien on appointment amounts to retrenchment. No retrenchment compensation was paid, and as such the action of the Management is illegal and invalid. He is a supporter of Sri Ch. Kasariah, M.L.A. and a memorialist before Vimadhal Commission who levelled various charges against the then Managing Director of this Company and hence he adopted vindictive attitude towards this workman and hence it is a case of victimisation. So he is entitled for reinstatement with full back wages, continuity of service, and attendant benefits.

3. The case of the Management is briefly as follows :—This Workman is not entitled for quarters as a matter of right. Quarters are allotted on the basis of seniority and availability at the place where he is working. This Workman attended the dispensary of this Colliery at Godavari Khani from 4-5-1978 upto 13-5-1978. Thereafter he did not report at that dispensary or at the workshop within 10 days from 13 May, 1978. So in pursuance of Standing Order 11(c), this Management by its order dated 4th June, 1978 intimated the petitioner that he lost his lien over his employment that he had been offered casual worker job as per 11(c) 2 of the Company Standing Order and

that letter had been addressed to his native place but it was returned unserved. The Petitioner invented the allegations against the then Managing Director of this Company for the purpose of this case. The Management is not aware of the trade union activities of the Petitioner. The act of termination is not case of victimisation. It does not amount to retrenchment and hence he is not entitled to one month notice pay and retrenchment compensation. Hence the order of termination is valid.

4. The case of this workman that about mid-night on 13th May, 1978 W.W. 2 came and informed him (this workman) that his mother was on the death bed and so he rushed to Kothagudem was not disputed. Further this workman submitted Ex. M6 letter dated 11th June, 1978 to the Divisional Superintendent Ramagundam Division 1 of this Company explaining the reasons as to why it had become necessary to leave Godavari Khani for Kothagudem and that his mother expired on 19th May, 1978 and he was treated by Dr. Venkat Reddy from 14th May, 1978 till 9th June, 1978, and Ex. M7 the medical certificate to that effect was enclosed to that letter and he reported for duty on 11th June, 1978 as he availed 10th June, 1978 a weekly holiday. This workman also produced Ex. W1 death certificate to show about the death of his mother on 19th May, 1978. This workman further stated that he was the last son and as per custom he had to perform the last rites on the 22nd day after the death of his mother. Those assertions remain unchallenged. So there were no malafides on the part of his Workman.

5. The learned counsel for the Management urged that as per 11(c) of the Standing Orders (Ex. M4), M.W. 1 struck off the name of this workman from muster roll as this workman did not report for duty after the expiry of ten days from 13 May, 1978, and as the said order is in accordance with the Standing Orders, it cannot be treated as invalid. The learned counsel for the Workman argued that Standing Order 11(c) is not attracted as no leave was granted when he reported at the dispensary on 4th May, 1978 on grounds of sickness, and on that basis the said order should be treated as invalid. He further contended that if the said Standing Order is attracted in this case, the order of striking off the name of his workman from muster roll amounts to retrenchment coming within the scope of Section 2(oo) of I.D. Act and as no retrenchment compensation was paid under Section 25F of I.D. Act, the said order had to be held as illegal.

6. Even though this workman alleged in the claim, statement that the said order was passed by way of victimisation, the said aspect was not even adverted to at the time of the arguments for the workman and hence the allegations referred to in regard to the same can be treated as baseless.

7. So the points for consideration are :—

- (1) Whether the Management was justified in invoking Standing Orders 11(c) in the circumstances of the case, in striking off the name of this workman from muster rolls?
- (2) Whether it amounts to retrenchment coming within the scope of Section 2(oo) of I.D. Act?
- (3) If so, to what relief this workman is entitled to?

8. POINTS 1 & 2—Standing Order 11(c) in Ex. M4 is as follows :—

If the employee remains absent beyond the period of lien originally granted or subsequently extended he shall lose his lien on his appointment unless :—

- (i) he returns within 10 days of the expiry of the leave and
- (ii) gives an explanation to the satisfaction of the Manager of his inability to return before the expiry of leave. In case the employee loses his lien on the appointment he shall be entitled to be kept on the 'Badli' list. Notwithstanding anything mentioned above, any employee who overstays his sanctioned leave or remains absent without properly approved leave will render himself liable for disciplinary action.

9. It was urged for the Workman as follows.—The Workman reported sick at the dispensary of the Colliery on 4th May, 1978 and he was treated as out-patient from that date till 13th May, 1978. This workman had not applied for leave either from 4th May, 1978 or at any time after 13th May, 1978. M.W. 1 deposed that the necessary particulars of sickness

of the Workman and the days on which the workman was treated in the dispensary would be furnished by the dispensary to the Office of that Company and on the basis of that information sick leave would be noted for the workman. But there is no provision as to what had to be done if the workman was sick and if he got himself treated by private doctor or in any hospital or dispensary which does not belong to this Company. So if the workman got himself treated by a private practitioner and if he had not applied for leave, then there is no question of grant of leave or expiry of the leave. In this case as this workman had not applied for leave either between 4th May 1978 and 13th May 1978 or subsequent to 13th May, 1978 the question of grant of leave or expiry of leave had not arisen and hence 11(c) is not attracted. In such a case it should be treated as an absence without permission. Continuous absence without permission and without satisfactory cause for more than 10 days is treated as mis-conduct as per Standing Order 16(16). As in this case even though the absence of this workman from 14th May 1978 was without permission and even though it was for more than 10 days it cannot be stated that there was no satisfactory cause. Anyhow the Management had not stated that there was no satisfactory cause for this continuous absence of this workman. In fact this Management had not even considered Ex M6 letter submitted by this Workman on 11th June, 1978 and Ex M7 the medical certificate filed alongwith it. So it does not even amount to mis-conduct within the scope of Standing Order 16(16).

10 As admittedly this Management had not proceeded on the basis that it was a case of mis-conduct on the part of this workman, there is no need to consider for the purpose of this reference as to whether it amounts to mis-conduct and hence I am not considering it.

11 If Standing Order 11(c) is not attracted in view of the circumstances of this case then the order of striking off the name of this workman from muster roll cannot be treated as valid and such a termination admittedly amounts to retrenchment in view of the decision in 1978(1) LLJ page 1 (DELHI CLOTH & GENERAL MILLS LTD VS SHAMBHU NATH MUKHERJEE AND OTHERS).

12 If Standing Order 11(c) can be invoked in this case, then it has to be seen as to whether the order of striking off the name of the workman from muster roll in pursuance of that Standing Order amounts to retrenchment.

13 Section 2(oo) of the ID Act defines 'retrenchment' as follows —

'retrenchment means the termination by the employer of the service of a workman for any reason whatsoever otherwise than as a punishment inflicted by way of disciplinary action but does not include—

- (a) voluntary retirement of the workman, or
- (b) retirement of the workman on reaching the age of superannuation if the contract of employment between the employer and the workman concerned contains a stipulation in that behalf, or
- (c) termination of the service of a workman on the ground of continued ill health."

14 The learned counsel for Workman referred to the following decisions in support of his contentions

1976(1) LLJ page 478 (STATE BANK OF INDIA VS N SUNDARAMONY)

1978(1) LLJ page 1 (DELHI CLOTH & GENERAL MILLS LTD VS SHAMBHU NATH MUKHERJEE AND OTHERS) & 1980(II) LLJ page 72 (SANTOSH GUPTA VS STATE BANK OF INDIA)

15 The Respondent in 1976(1) LLJ page 478 (STATE BANK OF INDIA VS N SUNDARAMONY) was appointed as cashier off and on, by the State Bank of India between July 4 1970 and November 18 1972. In the last order of appointment of that cashier it was mentioned that the above employment unless terminated earlier would automatically cease at the expiry of the period i.e. 18th November 1972. It was found that including the employment of that cashier on 9 days as per that order the total period of service had come to 240 days. Then the question had arisen as to whether the termination of that cashier by effluxion of time is per that

order of appointment amounts to retrenchment. Then in that context it was observed as follows by the Supreme Court at para 10 of that judgement —

A break down of S 2(oo) un-mistakably expands the semantics of retrenchment. Termination for any reason whatsoever are the key words. Whatever the reason, every termination spells retrenchment. So the sole question has the employee's service been terminated? Verbal apparel apart, the substance is decisive. A termination takes place where a term expires either by the active step of the master or the running out of the stipulated term. To protect the weak against the strong this policy of comprehensive definition has been effectuated. Termination embraces not merely the act of termination by the employer but the fact of termination howsoever produced. May be the present may be a hard case, but we can visualise abuses by employers, by suitable verbal devices, circumventing the armour of S. 25F and S 2(oo). Without speculating on possibilities, we may agree that 'retrenchment' is no longer terra incognita but area covered by an expansive definition. It means 'to end conclude cease'. In the present case the employment ceased concluded, ended on the expiration of nine days—automatically may be but cessation all the same. That to write into the order of appointment the date of termination confers no moksha from S 25F(b) is inferable from the proviso to S 25F(a). True the section speaks of retrenchment by the employer and it is urged that some act of volition by the employer to bring about the termination is essential to attract S 25F and automatic extinguishment of service by effluxion of time cannot be sufficient.

It was ultimately held therein that the termination even under those circumstances would amount to retrenchment as defined under Section 2(oo) of ID Act.

16 In 1978(1) LLJ page 1 (DELHI CLOTH & GENERAL MILLS LTD VS SHAMBHU NATH MUKHERJEE AND OTHERS) the Management struck off the name of the employee therefrom from the rolls under the provisions of the Standing Orders of that Management. While dealing with the question as to whether that order amounts to retrenchment or not as per Section 2(oo) of ID Act, it was observed as follows by the Supreme Court at paras 14 and 15 of the above decision

"14 The workman last attended work on 14th August, 1965. 15th August was a public holiday. He was, therefore absent from work only from 16th of August. So even under the Standing Orders the workman was absent for more than eight consecutive days on 24th August, 1965. The order is, therefore clearly untenable even on the basis of the standing orders. It is not necessary to express any opinion in this appeal whether "eight consecutive days" in the standing orders mean eight consecutive working days.

15 Striking off the name of the workman from the rolls by the management is termination of his service. Such termination of service is retrenchment within the meaning of S 2(oo) of the Act. There is nothing to show that the provisions of S 25F(a) and (b) were complied with by the management in this case. The provisions of S 25F(a), the proviso apart and (b) are mandatory and any order of retrenchment in violation of these two peremptory conditions precedent is invalid.

17 In 1980(II) LLJ page 72 (SANTOSH GUPTA VS STATE BANK OF INDIA) the Supreme Court referred to the above two decisions of the Supreme Court with approval and overruled 1979(1) LLJ, page 211 (ROBERT D SOUZA VS EXECUTIVE ENGINEER SOUTHERN RAILWAY AND ANOTHER) a full bench decision of the Kerala High Court and similar other decisions of the other High Courts. In that case [1980 (II) LLJ 72] the services of a workman in the Bank were terminated as she failed to pass the test which would have enabled her to be confirmed in the service. Even though it was not a case of termination due to discharge of service but in view of the definition of retrenchment under Section 2(oo) of ID Act the Supreme Court held that

even such order of termination amounts to retrenchment and hence the workman therein was entitled to the benefits under Section 25F of I.D. Act.

18. So in view of the above decisions of the Supreme Court, it was urged for the Workman that even the order of striking off the name of a Workman from muster roll due to over-stayal after the expiry of the leave period without permission, in pursuance of Standing Order, amounts to retrenchment coming within the scope of Section 2(oo) of I.D. Act.

19. The learned counsel for the Management contended as follows.—Even in the case considered by the Supreme Court in 1980(II) LLJ, page 72 (SANTOSH GUPTA VS. STATE BANK OF INDIA), there was an order of termination passed by that Management. So it was a case of positive act of the Management which resulted in the termination of the services of the employee and so it was treated as an order of termination passed by the Management and hence it was an act of termination by the employer and so it was treated as retrenchment coming within the scope of Section 2(oo) of I.D. Act.

20. It was further urged for the Management as follows:—In 1978(1) LLJ, page 1 (DELHI CLOTH & GENERAL MILLS LTD. VS. SHAMBHU NATH MUKHERJEE AND OTHERS) the Supreme Court held that the order of striking off the name of the workman from the rolls was not justified as the requisite number of days did not elapse from the date of over stayal without permission till the date of that striking off, and hence it was treated as an justified order, and hence it was observed that striking off the name of the workman from the rolls by the Management is termination of his service. In that context it has to be stated that the Supreme Court meant that unjustified striking off the name of the workman from the rolls by the Management is termination of his service and such termination of service is retrenchment within the meaning of Section 2(oo) of I.D. Act. Otherwise it [(1978)1 LLJ(1)] would be contrary to the decisions of the Supreme Court in 1963(II) LLJ, page 638 (BUCKINGHAM & CARNATIC CO. VS. VENKATAYYA), 1967(II) LLJ, page 883 (NATIONAL ENGINEERING INDUSTRIES LTD., JAIPUR VS. HANUMAN), and 1973 A.I.R. (Part 2) page 1403 [BINNY LTD. VS. WORKMAN (GROVER J.)]. In I.D. No. 24 of 1978 the then learned Chairman of this Tribunal held that as the striking off the name of the workman from the rolls in 1978(1) LLJ, page 1 (DELHI CLOTH & GENERAL MILLS LTD. VS. SHAMBHU NATH MUKHERJEE AND OTHERS) was unjustified, such termination was treated as retrenchment. In writ petition No. 4787/78, our High Court observed as follows:—"Sri Ramachandra Rao places strong reliance upon the decision of the Supreme Court in DC & G. MILLS VS. SHAMBHU NATH MUKHERJEE AIR 1978 S.C. page 8 [it is equivalent to 1978(1) LLJ, page 1]. The Labour Court considered this and other decisions had concluded that this is not a retrenchment within the meaning of Section 2(oo). We see no reason to differ". Hence it is clear that even our High Court had taken that view. Hence if the striking off the name of the workman from muster roll is in accordance with the Standing Order, then the resultant termination cannot be treated as retrenchment coming within the scope of Section 2(oo) of I.D. Act. So the order of striking off the name of the workman from the muster roll, an order which was passed to give effect to the Standing Order 11(c) due to unauthorised over stayal of the workman after the expiry of the leave period, does not amount to an order of termination by the employer, and hence it does not amount to retrenchment coming within the scope of Section 2(oo) of I.D. Act.

21. First I will refer to 1980(II) LLJ, page 72 (SANTOSH GUPTA VS. STATE BANK OF INDIA). Admittedly it was not a case of termination of the services of the workman due to surplusage for it was a case of discharge as the workman did not pass the necessary test which was prescribed for confirmation. Hence the learned counsel for the Management had not urged, rightly, that the ordinary connotation of the word 'retrenchment' is surplusage and as this is not a case of termination due to a surplusage, it is not a case of retrenchment. Hence he has not referred to the various decision wherein it was held that the word 'retrenchment' indicates termination due to surplusage. But the learned counsel for the Management emphasised the words 'the termination by the employer' in the definition of the word retrenchment as per Section 2(oo) of I.D. Act to contend that in order to treat any order as

retrenchment, it should be shown that it was a case of an order passed by the Management terminating the services of the workman, and an order which was passed in working on the Standing Order cannot be treated as an order of termination by the employer and so it does not amount to retrenchment.

22. In 1963(II) LLJ page 638 (BUCKINGHAM & CARNATIC CO. VS. VENKATAYYA), the services of a workman were terminated as he was absent without leave for more than 8 consecutive days, in pursuance of the Standing Order. There was also a provision in the Standing Orders of that Company whereby if the concerned employee had given an explanation to the satisfaction of the Management, the absence should be converted into leave without pay or D.A. In that case the concerned workman produced medical certificate, but the Company therein rejected it. The same medical certificate was accepted by Employees' State Insurance Corporation when that workman sought sickness benefit for the period of his illness. It was held that the Management in such a case was not bound to accept the medical certificate accepted by the Employees State Insurance authorities for granting sickness benefit. It was further held that automatic termination of contract of employment or relinquishment or abandonment of service by a workman under the provisions of the Standing Order would not be termed as discharge by the employer with in the meaning of section 73 of the Employees' State Insurance Act. The question whether such automatic termination of contract of employment due to over stayal without permission after the expiry of the leave, amounts to retrenchment, within the scope of Section 2(oo) of I.D. Act was not considered in the above decision.

23. In 1967 (II) LLJ page 883 (NATIONAL ENGINEERING INDUSTRIES LTD. JAIPUR VS. HANUMAN), the Supreme Court held that if a Standing Order provides that a workman would lose his lien on his appointment, if he does not join duty within certain time after his leave expires, it can only mean that his service stands automatically terminated when the contingency happens. So when the services of the concerned workman were automatically terminated when he did not appear for duty after the expiry of his leave, it was held that Section 33 of I.D. Act cannot be said to be contravened and Section 33A would not apply. But that decision does not disclose that it was urged for the workman that such order of termination was not valid due to non-payment of retrenchment compensation as per Section 25F of I.D. Act. In that case it was urged for the workman that such an order of termination would not be valid as it was a case of termination pending industrial dispute without seeking permission of the Industrial Tribunal. So when the Supreme Court had not considered the question as to whether such automatic termination amounts to retrenchment or not, it cannot be treated as an authority in one way or the other in regard to the above question.

24. In 1973 A.I.R. (Part 2), page 1403 [BINNY LTD. VS. WORKMAN (GROVER J.)], the unexpired portion of the leave of the concerned workman was cancelled, and he was asked to report to duty and when he failed to report for duty within 8 consecutive working days after the date of cancellation of leave, his services were terminated in pursuance of the Standing Orders of that Company. In that case it was urged for the Management that the Labour Court erred in holding that Management had no right to cancel leave which had been granted to the workman therein, and the provisions of Standing Order 8(ii) were fully applicable, and since the concerned workman had absented himself for 8 consecutive working days without leave, it should have been held that he had left the company's service without notice, thereby terminating the contract of service and that the Labour Court, having found that the concerned workman had obtained leave on a false pretext, fell into a serious error in saying that no question of the Management losing confidence in him arose. After referring to the above contentions for the Management, the Supreme Court observed as follows in para 7 of the above judgment:—

"It was quite clear that on his own admission he had acted in a manner by which the Management could possibly have no confidence in him for the future. His reinstatement, as well as the payment of Rs. 5000 as back wages therefore, could not have been ordered according to the well settled law and ordered according to the well settled law and principles on the

point. The last contention seems to be well-founded and we do not consider that reinstatement and payment of Rs. 5000 as back wages should have been ordered in the circumstances of the present case. At any rate the appellant has undertaken to pay a sum of Rs. 8,500 ex-gratia to Ramachandran. This amount shall be paid within two months from the date of announcement of this Order".

25. So it is clear that in view of loss of confidence, the Supreme Court set aside the order of reinstatement. The question whether the said order of termination was not valid due to non-payment of retrenchment as per Section 25F has not arisen.

26. So the three decisions referred to for the Management had not considered the question that has to be decided in this reference.

27. It is true that in 1978(1) LLJ, page 1 (DELHI CLOTH & GENERAL MILLS LTD. VS. SHAMBHU NATH MUKHERJEE AND OTHERS), the Supreme Court observed that even as per the Standing Orders of the Company, the order passed by the Company therein was not just. Even though the words 'striking off' was not qualified with the word 'unjust' in para 15 in 1978(1) LLJ page 1 (DELHI CLOTH & GENERAL MILLS LTD. VS. SHAMBHU NATH MUKHERJEE AND OTHERS), the Labour Court held that only unjust striking off would amount to termination of service by the employer coming within the scope of Section 2(oo) of I.D. Act and that view was accepted by our High Court in writ petition No. 4787/78. But it may be noted that in the above writ petition, our High Court held that as the workman in that case did not report to duty for as many as 3 years, the Management was justified in treating it as having voluntarily retired from his work, and so it should not be treated as retrenchment in view of sub-clause (a) of Section 2(oo) of I.D. Act. Hence our High Court had not discussed 1978(1) LLJ, page 1 (DELHI CLOTH & GENERAL MILLS LTD. VS. SHAMBHU NATH MUKHERJEE AND OTHERS) in detail.

28. I already observed that Supreme Court in 1980(II) LLJ, page 72 (SANTOSH GUPTA VS. STATE BANK OF INDIA) overruled the full Bench decision of the Kerala High Court in 1979(1) LLJ, page 211 (ROBERT D'SOUZA VS. EXECUTIVE ENGINEER SOUTHERN RAILWAY AND ANOTHER). In that case a casual labourer under the railway administration was informed that his services were deemed to have been terminated from the date he absented himself in view of Rule 2505 of the Railway Establishment Manual. Then the question posed for consideration before the full bench is as follows:—

"Whether the termination of service of casual labourer, employed under the railway administration brought about by the operation of Rule 2505 of the Railway Establishment Manual by reason of his having absented himself, constitutes 'retrenchment' so as to attract the provisions of Section 25F of the Industrial Disputes Act".

The full bench held that as termination in such a case is not a case of discharge due to surplusage, it does not amount to retrenchment coming within the scope of Section 2(oo) of I.D. Act and hence Section 25F of I.D. Act was not attracted in that case.

29. The learned counsel for the Workman contended as follows:—The termination in that Kerala, case was due to unauthorised absence, and in this case the termination was due to unauthorised over stay after the expiry of the leave and thus in both the cases it is a case of automatic termination in pursuance of the concerned Rule or Standing Order. When the decision of the Kerala High Court that such an order does not amount to retrenchment was overruled by the Supreme Court, such an order has to be treated as retrenchment in view of the decision of the Supreme Court reported in 1980(II) LLJ, page 72 (SANTOSH GUPTA VS. STATE BANK OF INDIA).

30. The learned counsel for the Management contended as follows:—The Kerala High Court held that such an order of termination does not amount to retrenchment by observing that only cases of surplusage come within the scope of the word 'retrenchment', and as the Supreme Court held that even though such an order of termination does not amount to

termination due to surplusage, it amounts to retrenchment, it overruled the decision of the Kerala High Court reported in 1979(1) LLJ, page 211 (ROBERT D'SOUZA VS. EXECUTIVE ENGINEER, SOUTHERN RAILWAY AND ANOTHER). Hence it cannot be stated that the Supreme Court held in 1980(II) LLJ, page 72 (SANTOSH GUPTA VS. STATE BANK OF INDIA) that even a case of automatic termination in pursuance of Standing Order amounts to an order of termination passed by the Management coming within the scope of Section 2(oo) of I.D. Act.

31. In 1967(II) LLJ, page 883 (NATIONAL ENGINEERING INDUSTRIES LTD. JAIPUR VS. HANUMAN), the Supreme Court referred the termination in pursuance of Standing Order in case of unauthorised over stay for requisite number of days after the expiry of the leave, as automatic termination. The question that has to be considered for the purposes of this present reference is as to whether such automatic termination is excluded from the purview of the definition of the word 'retrenchment' as per Section 2(oo) of I.D. Act as urged for the Management.

32. Clause a of Section 2(oo) of I.D. Act shows that cessation of the relationship of master and servant due to the voluntary retirement of the workman is excluded from the scope of retrenchment. The act of voluntary retirement of workman is in no way concerned with any act of the employer. So if there is cessation of the relationship of master and servant only on the ground of the act of the workman, and if such an act is not treated as within the scope of the word 'retrenchment', then there is no need to exclude it from the definition. So the fact that the act of voluntary retirement of the workman is excluded from the scope of retrenchment suggests that, but for that exclusion, such act also would have amounted to retrenchment. So that exclusion suggests that cessation of relationship of employer and employee due to the act of employee only, also would amount to retrenchment unless it was specifically excluded. But the learned counsel for the Management urged that even if a word does not include a certain aspect in its accepted parlance, by way of abundant caution, the legislature while defining that word may exclude that aspect, and so when the act of voluntary retirement of the workman can never be treated as termination by the employer and if by way of abundant caution, that aspect was excluded from the definition of retrenchment, it cannot be stated on that basis that cessation of relationship of master and servant due to the act of the employee amounts to 'termination by the employer'.

33. It may be noted that in 1980(II) LLJ, page 72 (SANTOSH GUPTA VS. STATE BANK OF INDIA), the Supreme Court referred to a passage in 1976(1) LLJ, page 478 with approval. In that passage it was observed that "termination embraces not merely the act of termination by the employer, but the fact of termination howsoever produced.... True, the section speaks of retrenchment by the employer and it is urged that some act of volition by the employer to bring about the termination is essential to attract Section 25F and automatic extinguishment of service by efflux of time cannot be sufficient." While dealing with the latter aspect it was observed that "an employer terminates employment not merely by passing an order as the service runs, he can do so by writing a composite order, one giving employment and the other ending or limiting it. A separate, subsequent determination is not the sole magnetic pull of the provision, a pre-emptive provision to terminate is struck by the same vice as the post-appointment termination".

34. So the above passage shows that even if there is no act of volition on the part of the employer in terminating the services, still such termination can be treated as a termination within the scope of Section 2(oo) of I.D. Act. Of course it was also held therein that such an act of volition can be exercised even at the time of appointment. It may be noted that Standing Orders can be treated as part of terms of contract. So if a Standing Order indicates that the services of a workman is liable to be terminated in case of any contingency which may arise, then if the services of the workman are terminated when such a contingency had arisen, then it can be stated that even at the time of appointment, if the relevant Standing Orders existed by the time of appointment, or on the date of the certification of the Standing Orders, if relevant Standing Orders have come into existence after the appointment of such workman, that such volition was exercised by the employer. So by adopting the reasoning in 1976(1) LLJ, page 478 (STAT...

**BANK OF INDIA VS N. SUNDARAMONEY**, it can be stated that there was an act of volition by the employer even in case of automatic termination. Hence I find that the order of dismissal in this reference is an act of retrenchment and hence the workman is entitled to the benefits under Section 25F of I.D. Act.

35. Admittedly the workman herein was not paid the amounts as per Section 25F of I.D. Act and hence the order of this Company in striking off the name of this workman from the muster roll is not valid, if it can be stated that in the circumstances of the case, it is open to the Management to invoke Standing Order 11(c).

36. I already observed that in view of the circumstances of the case, it is not open to the Management to invoke Standing Order 11(c), then in such a case the order of the Management in striking off the name of this workman from the muster roll is not valid. So in either case, the order of the management in striking off the name of this workman from muster roll is not valid. Hence there is no need to consider for the purposes of this reference as to whether the Management could invoke Standing Order 11(c) in the circumstances of the case and hence I am not considering the same. Hence I find that in either case, the order of the Management in striking off the name of this workman from muster roll amounts to retrenchment coming within the scope of Section 2(oo) of I.D. Act and I find accordingly.

37. POINT 3:—As there is no valid order of termination it has to be held that this workman is continued to be in service of this Company and hence he has to be reinstated and I find accordingly.

38. When it is stated that the order of termination is not valid, then necessarily the workman is entitled to the back wages unless there are justifiable reasons for disallowing the same. The well accepted principle is 'no work no pay'. Hence this workman is not entitled to the wages upto 10.6.1978 as he reported for duty on 11-6-1978. There are no justifiable reasons for disallowing the back wages of this workman for the period from 11th June, 1978 till he is reinstated. Hence I find that this workman is entitled to back wages from 11.6.1978 till he is reinstated and the period from 5.6.1978 upto 10.6.1978 should be treated as leave without pay.

39. Before concluding, I am constrained to observe as follows—If in fact, Standing Order 11(c) is applicable even in the circumstances that had arisen in this case, then it has to be stated that it causes hardship to the workmen. If the Standing Order 11(c) is modified by the addition of thirds sub-clause to the effect if he returns after 10 days after the expiry of leave and gives an explanation to the satisfaction of the Manager of his inability to return earlier, the order of striking off the name of the workman from the muster roll, if it was already passed in pursuance of sub-clause (i) and (ii) of Standing Order 11(c), has to be cancelled, and the period from the date of the expiry of the leave and the date of the above cancellation should be treated as leave without pay.

40. I feel that it is for the concerned to ponder over the same so as to see that it may not cause hardship to the workman and without at the same time affecting the interest of the Management. If both the Management and the workmen feel that the same affect could be achieved by framing an appropriate sub-clause in the above Standing Order, it can be done.

41. In the result, I find that the action of the Divisional Superintendent, Ramagundam Division No. 1 of Singareni Collieries Company Limited, Post Office Godavarikhani Karimnagar District (Andhra Pradesh) in not allowing Shri P. Krishna, Ex. Fitter, Area Workshop to join his duties with effect from 11th June, 1978 is not justified. So this Company has to reinstate him and he has to be given back wages till date of reinstatement except for the period from 5th June, 1978 till 10th June, 1978 (both days inclusive), and that period should be treated as leave without pay or any allowances.

42. The Award is passed accordingly.

Dictated to the Stenographer, transcribed by him and corrected by me and given under my hand and the seal of this Tribunal, this the 23rd day of December, 1980.

INDUSTRIAL TRIBUNAL

## APPENDIX OF EVIDENCE

Witnesses examined for Workman :

1. W.W. 1 : Sri P. Krishna.
2. W.W. 2 : Sri D. Satyanarayana.

Witnesses Examined for Management :

M.W. 1 : Sri M. Ramachandra.

## DOCUMENTS EXHIBITED FOR THE WORKMAN :

- Ex. W1 : Death certificate dt. 17th October, 1978 issued by Municipal Commissioner, Kothagudem Notified area Kothagudem.
- Ex. W2 : True copy of the Medical fitness certificate dt. 9th June, 1978 issued by the Dr. M. Venkata Reddy, M.B.B.S., D.G.O., Regd. No 2197, Madhavi Nursing Home, Khammam to Sri P. Krishna.

## DOCUMENTS EXHIBITED FOR THE MANAGEMENT :

- Ex. M1 : Letter dt. 4th July, 1978 addressed by Sri P. Krishna, Fitter Area Workshop to the Divisional Superintendent, Ramagundam Division-I.
- Ex. M2 : Letter dt. 24th July, 1978 addressed by Sri P. Krishna, Fitter Area workshop, G.K.D.I., Godavikhani to the Labour Enforcement Officer(C) Managerial.
- Ex. M3 : Report of the Medical Officer, Section I dispensary Godavarikhani, dt. 23rd May, 1978.
- Ex. M4 : Standing Orders of the Management.
- Ex. M5 : True copy of the letter dt. 4th June, 1978 addressed by the divisional Engineer to Sri P. Krishna, Fitter regarding losing lien on appointment under company's Standing Orders No. 11(c).
- Ex. M6 : Joining report dt. 11th June, 1978 of Sri. P. Krishna, Fitter.
- Ex. M7 : Medical certificate dt. 9th June, 1978 issued by Dr. M. Venkata Reddy to Sri. P. Krishna.

V. NEELADRI RAO, Presiding Officer

[No. I-21012/19/78-D. IV(B)]

**S.O. 393.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of Satgram Sub-Area of Eastern Coalfields Limited, Post Office Raniganj, District Burdwan and their workmen, which was received by the Central Government on the 12th January, 1981.

## CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL : CALCUTTA

Reference No. 35 of 1980

## PARTIES :

Employers in relation to the management of Satgram Sub-Area of Eastern Coalfields Limited,

AND

Their Workmen.

## APPEARANCES :

On behalf of Employers.—Mr. Nikhilesh Das, Advocate, with Mr. D. C. Mitra, Sr. Personnel Officer.

On behalf of Workmen.—ABSENT

State : West Bengal

Industry : Coal Mine

## AWARD

This reference under Section 10 of the Industrial Disputes Act, 1947 arises out of the Government of India Order No. I. 19012(55)/79-D.IV(B) dated 27th May, 1980, relating to an industrial dispute between the employers in relation to the management of Satgram Sub-Area of Eastern Coalfields Limited, District Burdwan and their workmen, as mentioned in the Schedule below :

"Whether the action of the management of Satgram Sub-Area of the Eastern Coalfields Limited, Post Office Raniganj, District Burdwan in not regularising Sarva Shri Patik Bhattacharjee and 35 other workmen with effect from the date mentioned in the annexure is justified. If not, to what relief are the concerned workmen entitled?"

## ANNEXURE

Sl. No.	Name	Present Designation & Category	Working since when in higher capacity.
1	2	3	4
	S/Shri		
1.	Fatik Bhattacharjee	Gen. Maz. Cat. I	1975
2.	Karuna Krishna Razak	—do—	1973
3.	Proloy Chatterjee	—do—	1974
4.	Nanda Kishore Mondal	—do—	1974
5.	Sitaram Liyak	—do—	1974
6.	Dhananjay Chatterjee	—do—	1974
7.	Maguram Gorai	Truck Loader (P/r)	1975
8.	Naran Benu	Genl. Maz. Cat. I	1975
9.	Bablu Mukherjee	—do—	1974
10.	Prabir Mukherjee	—do—	1975
11.	Manoj Banerjee	—do—	1975
12.	Satyamou Banerjee	—do—	1975
13.	Tarashankar Roy	—do—	1976
14.	Damodar Maji	—do—	1973
15.	Raghupati Chatterjee	—do—	1976
16.	Pradip Roy	—do—	1976
17.	Bisudeb Mukherjee	—do—	1976
18.	Bishnu Pada Bhandary	—do—	1976
19.	Stiprasad Maurya	Truck Loader (P/r)	1975
20.	Deba Bouri	—do—	1975
21.	Habu Gorai	—do—	1975
22.	Dipraj Jaiswara	—do—	1975
23.	Pancham Huijan	—do—	1975
24.	Daya Nath Shew	—do—	1974
25.	Bisudeb Sutradhar	Gen. Maz. Cat. I	1975
26.	Patal Bouri	Truck Loader (P/r)	1975
27.	Godab Bouri	Gen. Maz. Cat. I	1973
28.	Pradip Kr. Mishra	—do—	1976
29.	Biran Gorai	Truck Loader (P/r)	1975
30.	Dharmuk Gorai	Already regularised as CLI Clerk	1973
31.	K.K. Mondal	Elec. Helper, Cat. II	1975
32.	Chitta Ranjan Chand	Pump Khalasi, Cat. III	1978
33.	Srinath Ghosh	Genl. Maz. Cat. I	1978"

2. Due notices were issued to the management of the Eastern Coalfields Limited as also to the Joint Secretary, Indian National Coal Mines Engineering Workers Association Ningha Colliery, P.O. Ningha, District Burdwan, representing the workmen. But, in spite of receipt of registered notice, the said association representing the workmen did neither appear in this case nor file any written statement in support of their claim. The management, however, submitted its written statement challenging the dispute raised by the workmen as alleged.

3. To-day was fixed for ex-parte hearing of the case and for this purpose notice was duly sent to both the parties. It appears that the Joint Secretary of the Workers Association representing the workmen received the notice on 16-12-80. To-day however nobody appears either on behalf of the association or on behalf of any of the concerned workmen but Mr. Nikhlesh Das, the learned Advocate along with Mr. D. C. Mitra, Sr. Personnel Officer of Bengali Colliery duly authorised by the General Manager of Satgram Area of Eastern Coalfields Limited is present.

4. Although the management of Sitaram Sub-Area of Eastern Coalfields Limited have appeared to contest in this dispute against the workmen, I find that in spite of due notice neither the Indian National Coal Mines Engineering Workers Association nor any of the workmen appeared in this case to get any relief alleged to have been claimed in the Schedule of reference. In the circumstances, I presume and hold that

there is no grievance against the management of the Eastern Coalfields Limited and that, in any view of the matter, there is at present no dispute between the parties.

In the result, I pass a "No dispute" award.

R. BHATTACHARYA, Presiding Officer

Dated, Calcutta, the 2nd January, 1981.

[No. L-19012/55/79-D.IV(B)]

New Delhi, the 23rd January, 1981

S.O. 396.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Hyderabad in the Industrial dispute between the employees in relation to the management of State Bank of India and their workman which was received by the Central Government on the 5th January, 1981.

BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL)  
AT HYDERABAD

Industrial Disputes No. 3 of 1979

BETWEEN

Workmen of State Bank of India, Hyderabad (A.P.) Uravakonda Branch.

AND

The Management of State Bank of India (Regional Manager III) Hyderabad (A.P.)

APPEARANCES

Sarvasi K. Narasimham and D. S. R. Varma, Advocates for the Workmen.

Shri K. Srinivasa Murthy, Hon. Secretary, A.P. Federation of Chambers of Commerce and Industry for the Management.

AWARD

The Government of India, Ministry of Labour, under Sections 7A and 10(1)(d) of the Industrial Disputes Act, 1947 by its Order No. L. 12012/40/78-D.II.A dated 9-4-1979 has referred to this Tribunal the following issues for adjudication in the industrial dispute between the workmen and the Management of State Bank of India, Hyderabad.

"1. the management of State Bank of India (Regional Manager-III, Hyderabad) justified in terminating the services of Sri K. Khalender ex-watchman at Uravakonda Branch from 14-9-76? If not, to what relief is the workmen entitled?"

2. The reference was registered by this Tribunal as industrial Dispute No. 3 of 1979 and notices were issued to parties.

3. The case of the Workman is as follows:—The Management prosecuted this workman, placed him under suspension pending enquiry, but no enquiry was held against him. On an erroneous view, the learned Judicial Second Class Magistrate, Uravakonda convicted him in C. C. No. 7 of 1976 which was filed at the instance of this management, and he was released under Section 4 (1) of the Probation of Offenders Act. This workman Preferred Criminal Appeal No. 47 of 1976 against the said order of conviction and the learned Additional Sessions Judge, Ananthapur allowed the appeal and acquitted him. From the above Judgement, the following points are clear: (1) The Bank did not keep any list of tube lights and electric bulbs fixed in the Bank premises, in the stock register; (2) There are two permanent watchmen, and one part-time watchman for the Bank, and it is known during the period of which watchman's duty, this missing of bulbs and tubes took place; (3) the tube lights stolen from the Bank premises were only 2-1/2 feet in length and those that were said to have been recovered from this workman were of 4 feet in length, and hence the additional Sessions Judge acquitted this workman for the alleged theft of tube lights from the Bank premises of this management. So when the prosecution ended in acquittal, the Management should have charge sheeted him and held an enquiry as required by the mandatory provisions of paragraph 521 of the Sastry Award. The question of loss of confidence in this workman, who worked as Watchman in this Bank, does not

and cannot arise in view of the decision of the learned Additional Sessions Judge, Ananthapur. Though this Bank reinstated this workman by the order dated 13-9-1976 after cancelling the order of suspension, the Branch Manager issued order E. No. 26 dated 14-9-1976 terminating the services of this workman with immediate effect and with three months pay in lieu of notice purporting to be under the terms of para 522(1) of the Sastry's Award. So the termination of this workman's services in the above circumstances is not termination simpliciter. Using paragraph 522(1) of the Sastry's Award is a cloak to masquerade the real intention of punishing the workmen as a method of disciplinary action and the order of termination is passed as if no stigma was attached to it. Hence the action of the management in terminating the services of the workman is illegal, null and void and it is a colourable action vitiated by mala fides and it is also violative of the principles of natural justice. Further the order of termination passed by the Branch Manager is without jurisdiction for the said order is not passed by a disciplinary authority. As the said order is not passed by the competent and appropriate authority, it is vitiated on that ground also. Hence the workman is entitled to reinstatement with full back wages till the date of reinstatement and other attendant benefits.

4. The case of the management is briefly as follows :—The termination of the services of the workman in question clearly falls under the terms of paragraph 522(1) of the Sastry's Award, and it is the case of a discharged workman, and it is legal, valid, and in exercise of the powers vested with the management from the terms and conditions of service.

5. The further case of the management is as follows :—Theft of chokes and fluorescent tubes occurred in the Uravakonda Branch of this management and 19 chokes and three fluorescent tubes out of the stolen property were recovered from the house of this workman. So pending enquiry this workman was kept under suspension. In Criminal Appeal No. 47 of 1976, this workman was acquitted as benefit of doubt was given to him. It is not necessary that in every case of termination of service of a workman, an enquiry has to be held as per paragraph 521 of the Sastry's Award. Acquittal of the workman in Criminal Appeal No. 46 of 1976 does not oblige the management to terminate the services of the workman in exercise of the powers under paragraph 522(1). Termination of service under the above paragraph does not amount to punishment. The question of violation of principles of natural justice does not arise. The post of watchman in the bank is a post of trust and confidence for the Bank deals with the money of constituents. The Bank cannot employ a workman in whom it cannot repose trust and confidence. This workman himself by the letter dated 18-2-1976 stated that he had stolen the bank property and he assured against recurrence of such act. In the circumstances, the discharge of this workman from service is valid, legal, and proper. It is the discretion of the management whether to terminate the services of an employee by discharge simpliciter or by dismissal after holding an enquiry if the management loses its confidence particularly in cases where the employee holds a post of trust or confidence. As the appointment order was issued by the Branch Manager, the issue of order of termination by him is valid and proper. As no disciplinary action was taken the question of reinstatement on order by a disciplinary authority does not arise.

6. The workman worked as Watchman in Uravakonda Branch of State Bank of India. M.W. 1, the then Branch Manager filed a complaint on 21-2-1976 alleging that this workman committed theft of fluorescent tubes and chokes from the premises of this Bank. He was kept under suspension as per Ex. W1 dated 26-2-1976 wherein it was stated that he was suspended with immediate effect pending disciplinary action against him as he was involved in the alleged theft. Later police filed charge sheet in the court of J.S.C.M., Uravakonda and it was registered as C.C. No. 7 of 1976. The learned Magistrate convicted this workman for offence under Section 381 but released him under Section 4(1) (of A.P.C.). Act on his entering bond for Rs. 1,000.00 with two sureties. Ex. M1 is certified copy of the judgment dated 7-7-1976 in C.C. 7/76. Against the said conviction this workman preferred criminal Appeal No. 46 of 1976 on the file of the Session Court, Ananthapur and the said appeal was presented on 7-8-1976. This workman was ordered to appear on 19-8-1976 in connection with the said appeal. The order of suspension of this workman was cancelled and he was reinstated as per Ex. W3 order dated 13-9-1976. His services

were terminated as per Ex. W4 dated 14-9-1976. Criminal Appeal No. 47 of 1976 was heard on 24th and 25-9-1976 and the order in the said appeal was passed on 27-9-1976.

7. I had referred to the various dates, as it is not clear from the claims statement and the counter as to whether Ex. W4 order of termination was passed before or after the disposal of criminal appeal No. 47/76 on the file of Additional Sessions Judge, Ananthapur. Anyhow in view of the dates referred to above, it can be stated that Ex. W4 order of termination was passed even before Criminal Appeal 47/76 was disposed of.

8. Before referring to the respective contention of the parties, paragraphs 521(1) and (2) and 522(1) of the Sastry's Award which are relevant for consideration in this reference can be referred to and they are as follows :—

"521. A person against whom disciplinary action is proposed or likely to be taken should, in the first instance, be informed of the particulars of the charge against him; he should have a proper opportunity to give his explanation as to such particulars. Final orders should be passed after due consideration of all the relevant facts and circumstances. With this object in view we give the following directions :—

(1) by the expression 'offence' shall be meant any offence involving moral turpitude for which an employee is liable to conviction and sentence under any provision of law.

(2) (a) when in the opinion of the management an employee has committed an offence, unless he be otherwise prosecuted, the bank may take steps to prosecute him or get him prosecuted, and in such a case he may also be suspended.

(b) If he be convicted he may be dismissed with effect from the date of his conviction or be given any lesser form of punishment as mentioned in sub-paragraph (5) below.

(c) If he be acquitted, it shall be open to the management to proceed against him under the provisions set out below in sub-paragraph (9) and (10) infra relating to discharges. However, in the event of the management deciding after enquiry not to continue him in service, he shall be liable only for termination of service with three months' pay and allowances in lieu of notice. And he shall be deemed to have been on duty during the period of suspension, if any, and shall be entitled to the full pay and allowances minus such subsistence allowance as he has drawn and to all other privileges for the period of suspension; provided that if he be acquitted by being given the benefit of doubt he may be paid such portion of such pay and allowances as the management may deem proper and the period of his absence shall not be treated as a period spent on duty unless the management so direct.

(d) If he prefers an appeal or revision application against his conviction and is acquitted, in case he had already been dealt with as above, and he applies to the management for reconsideration of his case the management shall renew his case and may either reinstate him or proceed against him under the provisions set out below in sub-paragraphs 9 and 10 infra relating to discharge and the provisions set out above as to pay, allowances and the period of suspension will apply, the period upto date, for which full pay and allowances have not been drawn being treated as one of suspension. In the event of the management deciding, after enquiry, not to continue him in service, the employee shall be liable only for termination with three months' pay and allowances in lieu of notice, as directed above."

"522. We now proceed to the subject of termination of employment. We give the following directions :—

(1) In cases not involving disciplinary action for misconduct and subject to clause (6) below, the employment of a permanent employee may be terminated by three months' notice or on payment of three months' pay and allowances in lieu of

notice. The services of a probationer may be terminated by one month's notice or on payment of a month's pay and allowances in lieu of notice.

As per para 521(2)(a) this workman can be suspended in case the Bank is going to get the workman prosecuted. But Ex. W1 shows that he was suspended pending enquiry. Anyhow there is no need to consider for the purpose of this reference as to whether the order of suspension is in accordance with Section 521(2) of the Sastry's Award or some other provision.

9. The learned counsel for Management had referred to *Lakshmi Devi Sugar Mills Ltd. v. Ram Satup and Others* [1957 (I) LJ J, page 17] and *B. R. Patel v. State of Maharashtra* (1968 AIR, S.C. page 800) to show that suspension pending enquiry does not amount to punishment. Anyhow as there was no enquiry in this case, those decisions need not be considered for the purpose of this reference.

10. I already observed that when this workman was convicted on 7-7-1976, his services were terminated on 14-9-1976. As per para 521(2)(b) of the Sastry's Award, if a workman was convicted he may be dismissed with effect from the date of his conviction or given lesser form of permanent as per Sub-para 5 of the above para. But the Management did not proceed under para 521(2) (b) of Sastry's Award and this management proceeded under para 522(1) of the Sastry's Award in passing Ex. W4 order of termination.

11. The learned counsel for the workmen urged as follows:—The reading of para 522(1) of the Sastry's Award shows that the said provision is applicable only in cases disciplinary action for misconduct is not involved. But as this workman was prosecuted at the instance of this management, it amounts to disciplinary action for misconduct, and hence para 522(1) of the Sastry's Award is not attracted and the management's right was only to proceed under para 521(2)(b) of the Sastry's Award. Further as subsequent to the passing of the said order of termination the Criminal Appeal No. 47 of 1976 was allowed this management ought to have reviewed the case of this workman after the disposal of the above appeal. In view of para 521(2)(d) of the Sastry's Award. As no enquiry was held, as contemplated under the above provision, the order of termination is illegal.

12. It was urged as follows for the management. Even in case of misconduct, it is open to the management either to discharge the services of the concerned workman or to proceed by way of disciplinary action as held by the Bombay High Court in *S. K. Kadam v. D. D. and Co.* (1977 LIC, page 602). In *Chartered Bank v. Chartered Bank Employees' Union* (1960 AIR, S.C., page 919) it was held that the mere fact that there is an allegation of misconduct by the employee does not necessarily preclude the exercise of powers to terminate by notice and compel the employer to follow the procedure prescribed for dismissal for misconduct. In *A. G. Benjamin v. Union of India* [1967 (I) LLJ, page 718] it was held that even in a case where a formal departmental enquiry is initiated against the temporary Government servant. It is open to the authority to drop further proceedings in the departmental enquiry and to make the order of discharge simpliciter against the temporary servant. In *workmen of Sudder Office, Cinnamara v. Management* [1971 (II) LLJ, page 620] it was held that though some sort of investigation has been made by the management which is loosely called the enquiry, it is open to the management to discharge the concerned workman instead of proceeding by way of disciplinary enquiry. In *Tata Oil Mills Co. v. Their Workmen* [1966 (II) LLJ, page 602] it was held that the employer may in a proper case be entitled to exercise his power to terminate the services of his employee in accordance with the contract of employment or provisions in Standing Orders, but industrial adjudication would be entitled to examine the substance of the matter and decide whether the termination is in fact discharge simpliciter or it amounts to a dismissal which had put on the cloak of discharge simpliciter. If the Industrial Court is satisfied that the order of discharge is punitive or that it is mala fide or that it amounts to victimisation or, unfair labour practice, it is competent to the industrial court to set aside the order, and in a proper case direct reinstatement. So the test always has to be whether the Act of the employer is bona fide or not in this case it is not shown that the order of discharge is punitive or mala fide or it amounts to victimisation or unfair labour practice. I. Michael v. M/s. Johnson Pumps India Ltd [1975 (I) LLJ, page 262] is to

the effect that loss of confidence might be a ground for discharge and the Court is concerned with the objective set of facts, and motivations which are the basis for the subjective feeling or individual reaction. It is urged that this is a post of trust and as this management had lost confidence in this workman, his services were terminated and hence the order of termination cannot be treated as invalid. In *Suprasad Mukherjee v. State Bank of India* (1961 I.F.&L.R., page 425) it was held that the paras of the Sastry's Award are part of the terms of service of the Bank and its employees. As this workman was discharged in pursuance of para 522(1) of the Sastry's Award which is part of the terms of the service he cannot question the order of termination, according to learned counsel for management.

13. The workman W.W.1 deposed that as he refused to attend to the household work of M.W.1, the then Branch Manager, he had spite for him and hence he was removed. He denies the suggestion that M.W. 1 had not removed him from service on the ground that he refused to work at the house. M.W. 1 deposed that as he had come from orthodox brahmin family, his family does not take the service of any and he denied the allegation that he had grouse against this workman as he did not attend to domestic duties of his house.

14. Though in the claims statement it was stated that the order of discharge is a colourable action vitiated by mala fides, the alleged mala fides were not referred to. In the claims statement, it was not even stated that M.W. 1 had grouse against this workman as he refused to attend to the house-hold work in the house of M.W. 1. But in Ex. W2 the learned Additional Sessions Judge, Ananthapur referred to the defence of this workman wherein he stated that M.W. 1 herein, who was P.W. 1 therein, bore grudge against him as he was not doing his private duties and got the case foisted (Award on page 7 of Ex. W 2). So even though it was not referred to in the claims statement, it cannot be treated as a belated plea in this reference. Of course simply because the workman had come with such a plea even during defence in the criminal case against him, it cannot be treated as a true version, for the question whether the said version is true or not, depends upon the consideration of the entire material before the Criminal Court. As the evidence of P.W. 1 in the above criminal case is not placed before this Tribunal, it is not known as to whether it was put like that to P.W. 1 during the course of his evidence in the Criminal Court. Anyhow in view of Ex. W2, it can be stated that the learned Additional Sessions Judge has not held that P.W. 1 therein who is M.W. 1 herein got this case foisted against this workman. It also cannot be stated that there was no theft at all. A perusal of Ex. W2 shows that this workman was acquitted as benefit of doubt was given to him. Further it is not a case of termination of the service of this workman by virtue of order passed by M.W. 1. M.W. 1 stated that Ex. W4 order was passed by his successor in pursuance of the instructions from the Head Office. So it is not even a case of M.W. 1 passing those orders of termination. It cannot be doubted when it is stated that the order of termination was passed as per the instructions of the Head Office for it is necessary to make substantial payment at the time of the termination of the services, and it can be seen from Ex. W4 that large amounts were given under various heads to this workman at the time of termination. The Branch Manager cannot take the responsibility of ordering such amounts unless he was instructed to do so by the higher authorities. So in view of the material on record it cannot be stated that Ex. W4 order was passed with oblique motive or mala fide intention.

15. It is not even the case of this workman that Ex. W4 orders were passed by way of harassment or unlawful labour practice, and hence there is no need to consider about those aspects.

16. Now it has to be seen whether it is open to the Management to pass order against him under para 522 of the Sastry's Award even after this workman was convicted in C.C. No. 7/76. It is clear from 1960 AIR, page 919 that when two options are open to a management, it is open to the management to avail one of those options in terminating the service of an employee. The mere fact that there is allegation of misconduct by the employee, does not necessarily preclude the exercise of powers to terminate by notice and compel the employer to follow the procedure prescribed for

dismissal for misconduct. In the above Supreme Court case Tribunal ordered reinstatement on the ground that that was the case where disciplinary action must and should have been taken, and that was not done. In that case also the Supreme Court considered paras 521 and 522(1) of the Sastry's Award, and while referring to the finding of the Tribunal, it was observed as follows at pages 922 and 923 :

"However, as we read the award of the Tribunal the impression that we get is that its view was that where there is an allegation which may amount to misconduct against an employee of a bank, the procedure under paragraph 521 must always be followed and that the procedure under paragraph 522(1) can never be followed, and that is why the Tribunal did not give any finding that the action of the Bank was a colourable exercise of the power under paragraph 522(1). But as learned counsel for the Respondents has urged before us that the action in this case is in any case a colourable exercise of the power under paragraph 522(1) we propose to look into this aspect of the matter ourselves"

The Supreme Court further held as follows in para 8 of the above judgement :

"There is no doubt that an employer cannot dispense with the services of a permanent employee by mere notice and claim that the industrial tribunal has no jurisdiction to inquire into the circumstances in which such termination of service simpliciter took place. Many standing orders have provisions similar to paragraph 522(1) of the Bank Award, and the scope of the power of the employer to act under such provisions has come up for consideration before labour Tribunals many a time. In Buckingham and Carnatic Co. Ltd., v. Workers of Company, 1952 Lab AC 490, the Labour Appellate Tribunal had occasion to consider this matter relating to discharge by notice or in lieu thereof by payment of wages for a certain period without assigning any reason. It was of opinion that even in a case of this kind the requirement of bona fides is essential and if the termination of service is a colourable or exercise of the power or as a result of victimisation or unfair labour practice the industrial tribunal would have the jurisdiction to intervene and set aside such termination. Further it held that where the termination of service is capricious, arbitrary or unnecessarily harsh on the part of the employer judged by normal standards of a reasonable man that may be cogent evidence of victimisation or unfair labour practice. We are of opinion that this correctly lays down the scope of the power of the tribunal to interfere where service is terminated simpliciter under the provisions of a contractor or of standing orders or of some award like the Bank Award. In order to judge this, the Tribunal will have to go into all the circumstances which lead to the termination simpliciter and an employer cannot say that it is not bound to disclose the circumstances before the tribunal. The form of the order of termination is not conclusive of the true nature of the order for it is possible that the form may be merely a camouflage for an order of dismissal for misconduct. It is therefore always open to the Tribunal to go behind the form and look at the substance and if it comes to the conclusion, for example, that though in form the order amounts to termination simpliciter it in reality cloaks a dismissal for misconduct it will be open to it to set it aside as a colourable exercise of the power."

17. So it is clear that even if there is allegation of misconduct it is open to the Bank either to proceed under paragraph 522(1) or under paragraph 521 and it is not necessary or mandatory that in all cases of misconduct it has to proceed under para 521. But of course when it is a case of discharge simpliciter, it is open to the Tribunal to consider whether it was bona fide order or whether the termination of service is capricious, arbitrary or unnecessarily harsh on the part of the employer judged by normal standards of reasonable man, or whether there was cogent evidence of victimisation or unfair labour practice. In 1977 LIC, page 602, it

was held that existence of good reason based on the objective facts is indispensable for discharge, and there can be myriad reasons for such discharge including the act of omission amounting to misconduct, and the employer is not bound to held enquiry and visit the employee with penal action even if such reasons happen, to be misconduct of the employee and it is only the absence of such reason and not mere failure to held enquiry that would render such discharge mala fide or an act in colourable exercise of power raising an inference of victimisation. So it is evident even on the basis of the above decision that it is open to the management to discharge even in a case of misconduct. So the action of this management in discharging this workman under para 522(1) instead of proceeding under para 521(2)(b) is not improper.

18. Paragraph 521(2)(d) is not attracted in this case even after Criminal Appeal 47 of 1976 was allowed for this management had not taken action under para 521 (2)(b) in passing Ex. W4 order. Further it may be seen from Para 521(10)(c) that if the evidence is found to be insufficient to sustain the charge, and where the Bank does not for some reason or other think it expedient to retain the employee in question any longer in service, then discharge in such cases shall not be deemed to amount to disciplinary action. So it shows that it is open to the Bank to discharge an employee even if the evidence was found to be insufficient to sustain the charge. The Management in this case referred to Exs. M4 to M7 to show that the work of this Watchman was not satisfactory and in view of the above fact and suspicion of the theft of fluorescent tubes and chokes by this workman, the Management passed the order of termination. Anyhow I already referred to the alleged grouse of M.W. 1 against this workman and held that on the basis of the material on record, it cannot be stated that there were mala fides in ordering termination of this workman.

19. In 1967(I) LLJ, page 718 it was held that an order of discharge can be passed even after dropping the enquiry in the middle. In this case after this workman was convicted by the Court of J.C.M., Uravakonda, the disciplinary action was not even taken. So when order of discharge can be passed even after dropping the enquiry, there is no bar for passing an order of discharge even when disciplinary action was not taken, even though by then this workman was convicted. Of course later on in the appeal he was acquitted but the said appeal was disposed of after the services of this workman were terminated. I already observed that as no action was taken under para 521(2)(b) of the Sastry's Award, 521(2)(d) is not attracted. I also held that even otherwise, in view of para 521(10)(c) it is open to the Bank to discharge a workman even if the evidence was found to be insufficient to sustain the charge. Further the workman is not going to get amount more than the amount given to him as per Ex. W4, even if disciplinary enquiry was initiated against him and his services were terminated even when the evidence was found to be insufficient to sustain the charge.

20. It is true that in 1975 (1) LLJ, page 262 it was held that if the object and effect, if the attendant circumstances and the ulterior purpose is to dismiss the employee because he is an evil to be eliminated, and if the management to cover up its inability to establish by an enquiry, illegitimately but ingeniously possess an innocent-looking order of termination simpliciter, such action is bad and is liable to be set aside. It is also true that it was held in the above decision that loss of confidence is no new armour for the management and the loss of confidence in the law will be the consequence of the loss of confidence doctrine. But in this case, the workman was a watchman in a Bank. The suspicion of the management is that he committed theft of the fluorescent tubes and chokes of this Bank. I already observed that even the learned Additional Sessions Judge, who disposed Criminal Appeal No. 47 of 1976 on the file of the Sessions Court, Ananthapur had not stated that it was a foisted case. But the workman herein was acquitted as benefit of doubt was given. So there is no material to hold that this suspicion of this Management against this workman is baseless. It cannot be stated that the post of Watchman in a Bank is not a post of trust or confidence. So when there were reasons or grounds for the Management to suspect that this workman was involved in theft of its property, and as it is a case of post of trust and confidence, and as there are no grounds to indicate that it was a case of unfair labour practice or victimisation or mala fides and as there is no material to indicate that the said action was punitive, I find that the order of termination in this case is just.

21. Hence I find that the Management of State Bank of India is justified in terminating the services of this workman from 14-9-1976.

Award is passed accordingly

Dictated to the Stenographer, transcribed by him and corrected by me and given under my hand and the seal of this Tribunal, this 5th day of December, 1980.

#### Appendix of Evidence

Witnesses examined  
for Workman.

W.W. 1 Shri K. Khalander  
27-3-80

Witnesses examined  
for Management.

M.W. 1 Sri D. Krishna  
Murthy Rao.

#### Documents marked for the Workman

- Ex. W1—Suspension order dt. 26-2-76 issued by Branch Manager State Bank of India, Uravakonda to Sri K. Khalander.
- Ex. W2—Certified copy of the Judgement dt. 27-9-76 by the Session Court, Ananthapur.
- Ex. W3—Reinstatement order dt. 13-9-76 issued by Branch Manager to Sri K. Khalander.
- Ex. W4—Termination order dt. 14-9-76 issued by Branch Manager to Sri K. Khalander.

#### Documents marked for the Management

- Ex M1—Certified copy of the Judgment dt. 7-7-76 by the Judicial Magistrate of II Class Uravakonda.
- Ex. M2—Letter dt. 16-12-75 addressed by K. Khalander to the Branch Manager State Bank of India, Uravakonda.
- Ex. M3—Letter dt. 11-1-79 addressed by the Official in-charge of Vajrakarur Sub-Office Uravakonda to the Agent, State Bank of India, Uravakonda with regard to the conduct of Sri K. Khalander.
- Ex. M4—Letter dt. 2-2-71 addressed by the Agent (G. Chalapati Rao Vajrakarur Sub-Office to the Secretary and Treasurer State Bank of India Staff Section, Hyderabad regarding expansion programme.
- Ex. M5—Night-Watchman badly, State Bank of India, Uravakonda Branch for the period from 1-6-73 to 25-6-74.
- Ex. M6—Bunch of Tell-tale dials of the dates (it comprises of 87 dials) as per list.
- Ex. M7—Termination letter F. No. 26 dt. 14-9-76 issued by the Branch Manager, Uravakonda to Sri K. Khalander.
- Ex. M8—Office copy of the order of discharge dt. 14-9-76 issued by the Branch Manager, State Bank of India, Uravakonda Branch to Sri K. Khalander.

V. NEEJADRI RAO, Presiding Officer  
[No. L-12012/40/78-D.II(A)]

S.O. 397.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes, the following award of the Central Government Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the management of Messrs Western Coalfields Limited, Kanhan Area, District Chhindwara and their workmen, which was received by the Central Government on the 14th January, 1981.

BEFORE SHRI A. G. QURESHI, M.A., LL.B., PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(34)/1980

PARTIES:

Employers, in relation to the management of Western Coalfields Limited, Kanhan Area, P.O. Dungaria, District Chhindwara (M.P.)

AND

Their workmen through the General Secretary, M.P. Khadan Mazdoor Union (Lal Jhanda), Kanhan Pench Area, Head Office, Gudi-Ambara, P.O. Junnardeo, Distt. Chhindwara (M.P.).

#### APPEARANCES:

For Union—Shri B. D. Gupta, Advocate and Mrs. Nita Murty.

For Management—Shri P. S. Nair, Advocate.

INDUSTRY : Coal

DISTRICT : Chhindwara (M.P.)

#### AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on it by Clause 10(1)(d) of the Industrial Disputes Act, 1947 has referred the following industrial dispute to this Tribunal for adjudication vide Notification No. L-22011/9/78-D.IV(B) Dated 1st July, 1980 :—

“Whether the action of the management of Messrs Western Coalfields Limited, Kanhan Area, District Chhindwara, in relation to their Rakhikol Colliery in deducting eight days wages of the workmen of Rakhikol Colliery represented by M.P. Khadan Mazdoor Union (Lal Jhanda) was justified. If not, to what relief are the concerned workmen entitled?”

2. The case of the Union is, that the M.P. Khadan Mazdoor Union (Lal Jhanda) is the representative Union of the workmen of Rakhikol Colliery. The management deducted the wages for the period of eight days without reasonable cause from more than 200 persons. The aforesaid deduction was made without serving any show cause notice. Hence the action of the management is illegal.

The management has adopted an unfair labour practice of obtaining signatures of illiterate workers under undue influence. By the aforesaid writing the workmen have to fill a declaration that they disassociate themselves from the Union. As such the action of the management is one of malice and victimisation.

3. The management has challenged the competency of the reference by raising certain preliminary legal objection. The first objection is that the reference is extremely vague incapable of proper understanding and no details are given specially the details of the workers in respect of whom the recovery alleged to have been made. In absence of the details, it is impossible for the management to submit a statement of claim. However, from the record available it appears that the reference is with respect to recoveries of eight days wages in terms of Section 9 of the Payment of Wages Act 1936.

The second legal objection is that the recovery has been made in terms of Section 7 of the Payment of Wages Act 1936 read with Section 9 of the Rules, framed thereunder. The legality of otherwise of the said recovery can be challenged before the Payment of Wages Authority appointed under Sec. 15 of the said Act. Therefore the Tribunal has no jurisdiction to entertain and decide the dispute.

4. On merits, it has been submitted by the management that about 383 people were employed in April 1979 in Rakhikol Colliery. On 16th April, 1979 more than 10 persons employed in the colliery acting in concert absented themselves without due notice and without reasonable cause. This continued upto 27th April 1979. The workers started sitting on the tract and also threatened the workers who were willing to work. They further created obstruction in normal working of the management. The management requested the Union vide their letter dt. 26-4-79 to remove obstruction and also moved the A.L.C.(C) Chhindwara in intervene for calling off the strike. Thereupon the A.L.C.(C) Chhindwara called the President of the Union for discussion in his office on 19th April, 1979 and then on 21-4-1979. But the Union President or his representative did not participated in discussion.

5. It has further been averred that in view of the strike of the workmen and non-cooperative attitude of the Union the management issued a show cause notice to the workmen for deduction of eight days wages. The workmen refused to accept the notice. Thereupon the management decided to make the recovery of 8 days' wages according to Section 9 of the Payment of Wages Act. The notice was also put on the Notice Board. Therefore the action of the management in deducting the wages of the workmen was legal. Till the date of the

filing of the statement of claim 230 workers have made representations and the management after taking a sympathetic attitude has refunded the wages recovered to 214 workmen and the cases of remaining 17 workmen are still under consideration. If the remaining workmen make representations the management shall consider that aspect also. The management has further pleaded in details the circumstances which led the management to deduct the wages of the workmen.

6. In Annexure A to the rejoinder which has been exhibited as Ex. W/2 the Union has given the list of the workers whose deducted wages have been refunded and Annexure B (Ex. W/1) to the rejoinder contains the names of the workmen whose deducted wages have not been refunded.

7. On the above pleadings of the parties the following issues were framed by this Tribunal to decide this dispute :—

#### ISSUES

1. Whether the wages have been deducted by the management without giving a reasonable opportunity to the workers?
2. Whether the workers were on leave still their wages have been deducted?
3. Whether the deduction of the wages of the workmen by the management is justified?
4. Relief and costs?

#### ADDITIONAL ISSUE

1. Whether the reference is bad because of ambiguity and whether the right of the workman cannot be enforced under the provisions of the I.D. Act?

8. Additional Issue No. 1.—As the additional issue is about the jurisdiction of this Court I shall first decide this issue.

As regards the ambiguity of the reference, the management has pleaded that the reference is vague and therefore the management is not in a position to file the statement of claim because the names of the persons whose wages have been deducted is not mentioned in the reference. The date of deduction has also not been specified. Therefore the reference is vague. According to me, this objection is raised by the management only for objection's sake and on purely technical ground because despite of pleading that because of vagueness the management is not in a position to file a statement of claim, the management has filed a statement of claim giving all the details of the case mentioning the circumstances under which the deduction was made by the management. Similarly, the Union is also aware of the nature of the dispute. The parties have made specific pleadings about the dispute, have filed documents and led evidence. As such, it cannot be held that the reference being ambiguous, it is not maintainable.

9. The other objection of the management is about the jurisdiction of the Tribunal. The learned Counsel for the management has strenuously submitted that the jurisdiction of this Tribunal is excluded by the provisions of the Payment of Wages Act because any person aggrieved by any action taken under the Payment of Wages Act has a remedy to approach the Authority prescribed under Section 15 of the Payment of Wages Act and therefore this Tribunal has no jurisdiction to entertain and decide the dispute which is under the exclusive jurisdiction of the Authority under the Payment of Wages Act. On the other hand, Counsel for the Union has argued that the Industrial Tribunal has jurisdiction to entertain and decide this reference. The learned Counsel has cited in support of his argument *Sham Nuggor Jute Factory Vs. S. N. Modak* (AIR 1949 F.C. 150) and *Sait Nagjee Purshotam & Co. Ltd. Vs. Chathakutty Raruputty* (AIR 1959 Kerala 256). In view of the authorities cited by the learned Counsel of the Union it is clear that the jurisdiction of the Industrial Tribunal is much wider than the limited jurisdiction conferred on the Authority under the Payment of Wages Act and the Tribunal in case of a dispute regarding the payment of wages between the employer and the employee can adjudicate upon the justness or otherwise of the action of the management. In the instant case there was a dispute between the Union and the management about the validity of the action of the management in deducting the wages of the workmen and the dispute has been referred to this Tribunal by the Government

of India. Therefore this Tribunal has jurisdiction to decide this dispute and in my opinion no provision of the Payment of Wages Act ousts the jurisdiction of the Industrial Tribunal in matter of the adjudication of the dispute regarding the payments, conditions, of payments and deductions of wages etc. In the result, additional issue No. 1 is decided in favour of the Union.

10. Issues No. 1, 2 & 3.—All these issues are about the legality or correctness of the order of the management deducting the wages of workers. Therefore, they are being decided together.

The Union has examined four witnesses to demonstrate that the deduction of wages was made without giving any opportunity to the workmen to show cause against the proposed deduction of wages. Union witness Gorelal (W.W.1) states that he did not participate in the strike but he was sick. Ramsurat (W.W.2) states that he did not go to work because of strike but his wages were deducted for his absence from work and also for participating in the strike. As such for eight days absence, wages of 16 days have been deducted. Similar is the statement of K. N. Malviya (W.W.2). All these witnesses state that no notice was served by the management on them asking to show as to why their wages should not be deducted. The General Secretary of the Union Mrs. Neeta Murty (W.W.4) has stated that the wages of the workmen were deducted because they participated in the strike but a penal deduction of 8 days wages of each of the worker was also made by the management without following the rules and serving any show cause notice on the workmen. Thereafter the management refunded the deducted wages of most of the workmen after persuading them to sign a declaration showing their disassociation from the Lal Jhanda Union. Narayan was the President of her Union. He was suspended on 16th April, 1979 still his wages were deducted for participating in the strike. Later on, the order for deduction of his wages was cancelled.

11. From the aforesaid evidence of the Union, the Union does not dispute this fact that there was a strike in the colliery and the members of the Union had participated in that strike. The only grievance of the Union seems to be that the deduction was made without following the rules and without serving any notice on the concerned workmen.

12. The management has filed the copies of the notices alleged to have been sent to the concerned workmen. For proving the service of the notices and the refusal by the workmen to accept the notices the management has examined Shri Duli (M.W. 2) Office Peon of the Rakhicol Colliery and Gajanan (M.W. 3) Token Peon of the Colliery. Duli states that he was sent by the management with the notices to be served on the workmen. He went to the Token office where Diwan Babu used to read the names in the notices and used to call the workmen to take the notices and the workmen refused to take it. He went to Dafai where the workmen did not receive the notices because no workman was there. In cross-examination, this witness states that he does not know how to read and write and in token office about 3 or 4 mazdoors met him. He does not remember their names. At Dafai no labourers met him.

13. The other witness Gajanan states that Chaurasia Babu had sent him for distributing the dak. The notices were in English which were to be served on the labourers. He used to go in the Times Office where the clerk used to tell him to give notices to such and such persons on which he gave notice to the workmen. According to him, he gave notices to about 200—250 persons and allot them had refused to take it. This witness does not know English and Hindi. Then he states that he had given the notices in the Token Office. In cross-examination this witness states that when he went for serving the notices all the workers used to sit in the Token Office. Diwan Babu used to ask him to give notices. About 10 persons refused to take notices. Thereupon he told the Babu that nobody is taking the notices. So, Babu asked him to sign the register and return the notices in the office.

From the statements of these witnesses, it is clear that they do not know as to on whom they served the notices and who refused to take the notices. According to Duli about 3-4 persons refused to take notices, whereas according to the statement of Gajanan (in cross-examination) about 10 persons

refused to take notices, upon which he wrote in the register that all the workmen refused to take the notices.

14. The witness of the management Shri Raj Shekheran who was the Manager of Rakhikol Colliery during the period of strike states that the notices were sent to the workmen through the Dak Peon. He further states that a copy of the notices was exhibited on the Notice Board. However, in his presence none of the workmen saw the Notice Board as he did not go that side. This witness is not in a position to state as to who prepared the notice. He says that he asked his staff to get the notice displayed on the Notice Board but he had not seen whether notice was displayed or not.

15. The above statement of the Manager of the Colliery also does not prove that actually the notices were served on the workmen and they had refused to take it or that the notice was displayed on the Notice Board. In view of the aforesaid evidence there is no escape from the conclusion that the management has failed to prove that either any show cause notice was served on any of the workman for deducting their wages or a show cause notice was displayed on the Notice Board asking the workmen to show cause as to why 8 days wages should not be deducted for participating in the illegal strike.

16. According to the management, the deductions have been made in exercise of the powers given under Section 9(2) of the Payment of Wages Act. The proviso to Clause (2) of Section 9 of the Payment of Wages Act although empowers the employer to deduct wages for 8 days of the workmen if 10 or more workmen acting in concert absent themselves without due notice and without reasonable cause, but the exercise of the power is subject to the rules made in this behalf. Rule 16 of the Payment of Wages (Mines) Rules clearly lays down that no deduction of wages shall be made unless at least one week before the deduction is made a notice has been displayed outside the office of the mines and at the specified place or places of the concern giving the names of the persons from whom the deduction is proposed to be made, the number of days wages to be deducted and the conditions if any on which deductions will be remitted. As such, displaying a week's notice outside the office of the mines specifying the names of the persons from whose wages the deduction is to be made and the number of days wages to be deducted and the conditions for remission of the deduction is a condition precedent before actually deducting the wages of the workmen who being 10 or more in number absent from the duty in concert without a legal notice or a reasonable cause. The management, as has been held above, did not prove, that before affecting the deduction of wages of the workmen, the provisions of Rule 16 of the Payment of Wages (Mines) Rules have been followed. Therefore the action of the management in deducting the wages of the workmen without following the procedure contained in Rule 16 of the Payment of Wages (Mines) Rules is illegal and the workmen are therefore entitled to the refund of wages of 8 days deducted by the management in exercise of their power under Sec. 9(2) of the Payment of Wages Act.

17. After the case was closed and award was reserved, the management filed an application making a prayer therein that there is no provision in the Rules for giving notice of recovery to the workmen concerned and therefore it was not necessary to give any such notice. Even assuming that a notice is required to be served then the Tribunal should give a preliminary finding on the question of notice and in case there is a finding that a notice is necessary the management should be given an opportunity to prove the misconduct on merit.

In my view, this application is without any merit and does not deserve any consideration. However, it may be mentioned that Rule 16(2)(c) of the Payment of Wages (Mines) Rules clearly prescribes the procedure of displaying a week's notice outside the office of the mines giving the names of the persons from whom deduction is to be made and the number of days wages to be deducted and conditions of the remission. The management has failed to prove that the mandatory provision contained in rule was followed. Therefore because of the non-observance of the rules the action deducting the wages of the workmen becomes illegal. When the action of the management is illegal for non-observance of a mandatory

provision a question of giving an opportunity to the management to prove misconduct does not arise. When it is found as a fact that 10 or more employees have remained absent in concert unauthorisedly and without any reason then only the management gets a right to deduct the wages of the workmen under Sec. 9(2). But before such deduction the provisions of Rule 16 of the Payment of Wages (Mines) Rules have to be followed by the management. Therefore even if the management is given an opportunity to prove that the workmen were on illegal strike and caused harassment it will be giving an opportunity to prove that fact which is already held to be proved by the Tribunal. Further giving an opportunity to prove illegal strike will not cure the illegality committed by the management because of the non-observance of Rule 16. For the aforesaid reasons, the application given by the management is dismissed.

In the result issues no. 1, 2 & 3 are answered in negative.

18. Issues No. 4:— In view of the findings given on Issues No. 1, 2 & 3 it is held that although the workmen were absent in a concert and they were more than 10 in number still the action of the management of M/s. Western Coalfields Limited, Kanhan Area, District Chhindwara in relation to the Rakhikol Colliery in deduction eight days wages of the workmen of Rakhikol Colliery represented by the M. K. Khadan Mazdoor Union (Lal Jhanda) was not justified because of the non-compliance of the procedure contained in Rule 16 of the Payment of Wages (Mines) Rules. The concerned workmen are, therefore entitled to the refund of the wages deducted under Sec. 9 (2) of the Payment of Wages Act by the employer. The Union shall be entitled to get a costs of Rs. 250 from the management.

A. G. QURESHI, Presiding Officer

31-12-1980.

[No. L-22011/9/79-D. IV (B)]

S. O. 398.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the management of Shri U. C. Jain, Transporting Contractor of Messrs Western Coalfields Limited, Kanhan Area, P. O. Junnardeo, District Chhindwara, (MP) and their workmen, which was received by the Central Government on the 14th January, 1981.

BEFORE SHRI A. G. QURESHI, M.A., LL.B., PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.)

CASE NO. CGIT/LC(R)(21)/1979.

PARTIES :

Employers in relation to the Management of Shri U.C. Jain, Transporting Contractor, Western Coalfields Limited, Kanhan Area Post Office Unnardeo, District Chhindwara (M.P.) and their workmen represented through the General Secretary, C/o Shri G. N. Shah, Koyla Khadan Mazdoor Panchayat (HMP), College Road, P. O. Junnardeo, District Chhindwara (M.P.).

APPEARANCES :

For Workman Union .. Shri G. N. Shah,

For Management .. Shri Sirpurkar, Advocate, Western Coalfields Ltd.

Shri P. K. Sengupta for

Shri U. C. Jain, Contractor.

INDUSTRY : Transport DISTRICT : Chhindwara (M.P.)

AWARD

In exercise of the powers conferred by 10(1)(d) of the Industrial Disputes Act, 1947 the Government of India in the Ministry of Labour has referred the following dispute to this Tribunal for adjudication vide Notification No. L-22012(9)/79-D. IV(B) Dated 10th September, 1979 —

"Whether the action of Shri U. C. Jain, Transporting Contractor of Messrs Western Coalfields Limited, Kanhan Area, in relation to his Transport Contract at Ambara Colliery, in terminating the services

of Shri Nepal Singh S/o Jangalia with effect from the 11th September, 1978 is justified. If not, to what relief is the concerned workman entitled ?”

2. The case of the Union in short is that the workman Nepal Singh was a employee of M/s. U. C. Jain & Company. Contractor of Kanhan Area, Western Coalfields Limited Ambara Colliery, from 1-4-1978 to 11-9-1978 without any break. The workman Nepal Singh was stopped from work by the Contractor without assigning any reason or without any notice on 12-9-1978. His driving licence was also kept by the Contractor with him. He got back his licence on 31-3-1979 from the Contractor and sought service with M/s. Udham Singh, Transport Contractor. But he being a co-contractor of M/s. U. C. Jain at the behest of Shri U. C. Jain, M/s. Udham Singh also stopped him from work after two or three months. Even after a repeated request the workman was not taken on duty by the management of M/s U. C. Jain & Company. Although the workman worked overtime but he was not paid any overtime wages and was illegally removed from work. The workman being a permanent employee of the coal industry is governed by the Standing Orders of the Coal Mines where M/s. U. C. Jain & Co. was doing the job of coal transportation. The action of the management of M/s. U.C. Jain being illegal the workman is entitled for reinstatement with back wages.

3. The General Manager of the Western Coalfields Limited, Kanhan Area, has filed a written statement denying any employer-employee relationship between the concerned workman and the management. According to the management, the transport work allotted to the transporter M/s. U. C. Jain and Company was only of a temporary nature. The work was of transporting coal from the pit heads of Ambara Colliery to Railway siding at Palachourai which is situated at a distance of more than 2 Kms from Ambara Colliery. Since the management of Kanhan Area (Western Coalfields Limited) had no control over the employee of M/s. U. C. Jain, Transporter, the management is not aware of the circumstances under which the services of Nepal Singh were terminated.

4. M/s. U. C. Jain & Company, the Contractor has raised a preliminary objection about the jurisdiction of this Tribunal. According to the Contractor, the firm M/s. U.C. Jain & Company has no relationship with the truck owner who hired Nepal Singh. Nepal Singh was never hired or employed by M/s. U. C. Jain & Company. Hence Nepal Singh was as such never an employee of the Company. Nepal Singh was employed by the Jaya Transport Company whose truck was hired by the firm F/s. U. C. Jain & Company for transportation of coal from Chikalman Colliery to Railway siding. According to the Contractor, the appropriate Government under Sec. 2(a) of the I. D. Act is the State Government of Madhya Pradesh and not the Central Government because the workman is not an employee of the Mines or Mining industry.

5. In view of the aforesaid pleadings a preliminary question which arises for determination is “whether the Central Government is the appropriate Government, competent to refer the present dispute to this Tribunal”.

6. Learned representative of the Union Shri I. N. Shah has argued that any work connected with the mining operation is a work of mine and therefore the Central Government is the appropriate Government in the instant case. On the other hand, the representative of the Contractor has submitted a very long and detailed written argument strenuously arguing therein that Nepal Singh is not a worker of the mine or coal mining industry and therefore the Central Government is not the appropriate Government. The learned Counsel for the management of M/s. Western Coalfields Ltd. has also argued that in the instant case the Central Government is not the appropriate Government.

7. For deciding this issue first of all it is necessary to refer to the definition of the word ‘Mine’ which is given in Section 2(j) of the Mines Act. It reads as under :—

“2(j)—‘Mine’, means any excavation where any operation for the purpose of searching for or obtaining

minerals has been or is being carried on, and includes—

- (i) all borings, bore holes and oil wells ;
- (ii) all shafts, in or adjacent to and belonging to a mine, whether in the course of being sunk or not;
- (iii) all levels and included planes in the course of being driven ;
- (iv) all open cast workings ;
- (v) all conveyors or aerial ropeways provided for the bringing into the removal from a mine of minerals or other articles or for the removal of refuse therefrom;
- (vi) all adits, levels, planes, machinery, works, railways, tramways and sidings, in or adjacent to and belonging to a mine;
- (vii) all workshops situated within the precincts of a mine and under the same management and used solely for the purposes connected with that mine or a number of mines under the same management.
- (viii) all power stations for supplying electricity solely for the purpose of working the mine or a number of mines under the same management;
- (ix) any premises for the time being used for depositing refuse from a mine or in which any operation, in connection with such refuse is being carried on, being premises exclusively occupied by the owner of the mine;
- (xi) unless exempted by the Central Government by notification in the Official Gazette, any premises or part thereof, in or adjacent to and belonging to a mine, on which any process ancillary to the getting dressing or preparation for the sale of minerals or of coke is being carried on.”

8. In Sub-clause (v) of the above definition the modes of conveyance used in the mines are specifically defined and the definition clearly says that “all conveyors or aerial ropeways provided for the bringing into or removal from a mine of minerals or other articles or for the removal of refuse therefrom”, shall be included in mine. Similarly Clause (vi) also specifically says that ‘all adits, levels, planes, machinery, works, railways, tramways and sidings, in or adjacent to and belonging to a mine’ shall also be included in the mine. The definition of ‘mine’ does not include a motor vehicle belonging to a contractor which is used for transporting the coal from the pit of the mine to the railway siding.

The learned representative of the Union has led a great emphasis on the definition of the ‘owner’ given in Section 2(1) of the Mines Act, 1952 wherein while defining ‘owner’ of the mine it has been stated that “any contractor for the working of a mine or any part thereof shall be subject to this Act in like manner as if he were an owner, but not so as to exempt the owner from any liability”. In my opinion the definition of the “owner” in the Mines Act also does not lead to an interpretation that a contractor for transporting the coal shall also be treated as a owner of the mine and it also does not lead to this inference that any truck hired for transporting the coal or even owned by a contractor shall be deemed to be owned by mine owner. As such the work of transporting of coal by a contractor cannot be held as a work which may be included in the definition of mine. Similarly the work of transporting of coal cannot be treated as one ancillary to the mining operation because the process ancillary to the getting dressing or preparation for the sale of minerals or of coke does not include the work of transporting the coal by contractor because the work of transportation of the mineral starts after the coal is obtained from the mine or is dressed or prepared for sale. Therefore the work of transportation of coal by a contractor cannot be included in the definition of the mine.

9. In many mines the Railway Company transports coal from the premises of the mines to other places and the wagons used for transporting the coal do not belong to mine but belong to Railway Company. So, if the interpretation put forward by the representative of the union is accepted then all the workmen working under the Railway company shall have to be treated as workers of the mine

and this would definitely lead to confusing and anomalous situation. One more argument has been advanced by the learned representative of the management that if the transportation is done by the trucks owned by the coal mine then the workers working on those trucks are treated as employees of mine or mining industry but if the mines delegate then function of transporting of coal to a contractor then that work becomes out of the per view of the mine. This will be treating the same work with two separate yardsticks. Therefore also the principle of equity of justice requires that the workers transporting the coal either employed by a mining industry or by the contractor should be treated as workers of the mine.

10. Although on the face of it the argument appears to be quite attractive but in substance it has no force for the simple reason that in the definition of mine in Sec. 2(j)(i) of the Mines Act it has clearly been defined in Sub-clause (vi) that all the machinery, works, railways, tramways and sidings, in or adjacent to and belonging to a mine, shall be included in the definition of the mine. That means only those machineries or works or railways and tramways shall be included in the definition of mine which belong to the mine. So, naturally that vehicle which is used for transport of coal and which belongs to the mines will be a part of the mine, but if a transport vehicle does not belong to the mine it will not be included in the definition of mine. That is why, as has been discussed above, the workers of the railways working for transporting the coal from the mine are not treated as the employees of the mine.

11. In State of Bihar Vs. S. K. Roy (FLR 1966 p 411) the Supreme Court had an occasion to consider the meaning of the expression 'belonging to a coal mine' and the expression of the words 'owner of the coal mine' and has held that as a matter of construction all works, machineries, tramways and sidings whether above or below grounds in or adjacent to the coal mine will come within the ambit of the definition of mine only when that belong to a coal mine. Supreme Court also considered the definition of the word 'coal mine' as is given in Section 2(b) of the Coal Mines Provident Fund and Bonus Schemes Act 1948 which is similar to the definition given in the Mines Act 1952. As such, any work, machinery, or tramway and siding which does not pertain to the coal mine in the sense of ownership cannot come within the meaning of the expression 'coal mine'.

12. In view of the above interpretation of the Supreme Court, I feel fortified in my view that the work of transportation of coal by a contractor using the vehicles which do not belong to the mine will not be a part of the mining operation and as such the work of transport of coal by the contractor cannot be included in the definition of mine.

13. The aforesaid discussion leads me to a finding that work of transporting coal by a contractor by truck not belonging to mine or mining industry is not a work of mining operation. The basic work of transportation by a transporter is a part of transport industry. So, the work of transport of coal carried on by the transport contractor with the truck not belonging to mine or mining industry cannot form the part of mining industry.

14. The work of M/s. Uttam Chand Jain in transporting the coal on contract from the mine to railway siding by its own trucks cannot therefore be held to be a work of mine or part of the coal mining industry.

Therefore, the appropriate government in the instant case shall be the State Government and not the Central Government.

The Central Government not being the appropriate Government to refer the dispute, this Tribunal has no jurisdiction to decide this dispute.

An award is given accordingly.

Sd/-

A. G. QURESHI, Presiding Officer.

31-12-1980.

[No. I-22012 '9/79-D.IV(B)]

**S. O. 399.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur, in the industrial dispute

1205 GI/80—13

between the employers in relation to the management of Western Coalfields Limited, Kanhan Area, P.O. Dungaria, District Chhindwara (M.P.) and their workmen, which was received by the Central Government on the 14th January 1981.

BEFORE SHRI A. G. QURESHI, M.A., LL.B., PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT LC(R)(301)/1980

PARTIES :

Employers in relation to the management of Western Coalfields Limited, Kanhan Area, P.O. Dungaria, District Chhindwara (M.P.) and their workmen through the President, S.K.K.M. Sangh (BMS), Main Road, P.O. Chandamaita, Distt. Chhindwara (M.P.).

APPEARANCES :

For Union—Shri S. S. Sakarwar, Advocate.

For Management—Shri P. S. Nair, Advocate

INDUSTRY : Coal DISTRICT : Chhindwara (M.P.)

AWARD

In exercise of the powers conferred by Clause 10(1)(d) of the Industrial Disputes Act 1947 the Government of India in the Ministry of Labour has referred the following dispute to this Tribunal for adjudication by notification No. L-22012 (46)-D. IV. B. dated 20th May, 1980 —

"Whether the action of the management of Western Coalfields Limited, Kanhan Area in respect of their Damua Colliery in terminating the services of Shri Kamal Kishore, son of Shri Ganpat Rao with effect from 29th June 1977 is justified? If not to what relief is the concerned workman entitled?"

2. The case of the Union in short is that Shri Kamal Kishore was working as a Casual Labour and was deputed to work in Electrical Department on overhead lines at Damua Colliery in 1977. On 23-3-1977 while he was working on electric pole he fell down and got fractures in his left hand and leg. Initially he was treated at Barkui Hospital but was later on was sent to Medical College Jabalpur for advance treatment. On 22-6-1979 he was medically examined and found fit for light duty. The workman reported for duty and requested for a light job, but he was not given a light job and the management was not willing to engage him even as a casual labourer. The nature of job which Shri Kamal Kishore was doing was of a permanent nature and was incidental to the mining operation. Hence the action of the management in refusing employment to Shri Kamal Kishore is illegal and unjustified. Therefore he be reinstated with continuity of service with back wages and all other benefits.

3. The claim has been resisted by the management on the grounds that Shri Kamal Kishore was not a worker of the mine. He was working on overhead lines for which a special sanction was accorded and he was employed purely on a temporary basis on a job of casual nature. As the drawing of overhead line has no connection with the mining operation Shri Kamal Kishore was not a workman of the mine. It has further been averred by the management that Shri Kamal Kishore met an accident while on duty. He was treated in the hospital and was paid compensation of Rs. 5,644.80. By the time Shri Kamal Kishore was discharged from the hospital, the work on which he was appointed had come to an end. Therefore he cannot be appointed for want of vacancy. Therefore the action of the management is justified in refusing employment to the workman.

4. On the aforesaid pleadings of the parties the following four issues were framed for deciding this reference —

ISSUES

1. Whether the workman was working in the mine. If not, whether this Tribunal has jurisdiction to decide this dispute?
2. Whether the work of the workman was essentially of a casual nature?

3. Whether the termination of the services of Shri Kamal Kishore by the management is justified ?

4. Relief and costs ?

5. Issue No. 1 :—It has been admitted by the witness of the management Shri Mustafa Khan that Shri Kamal Kishore was employed on a job for which sanction was received vide order Ex. M/1 and because there was a paucity of electric supply at Damua Colliery the sanction was given to enhance the power at the Colliery by the new line. The witnesses of the workman also make a statement that the work of drawing the overhead line was for giving electricity to the mine. Therefore in view of the above evidence, it is clear that the drawing of the new electric line was for the operation of the mine because more light was necessary for the mining operation. Therefore it was a project undertaken by the mining industry for the proper operation of Damua Mine. Therefore the work of installation of additional lines of electricity was a work connected with the mining operation and as such Shri Kamal Kishore was a worker of the mine. Issue No. 1 is therefore answered in positive.

6. Issues No. 2 and 3 :—In the statement of claim itself the Union has clearly stated that Shri Kamal Kishore was working as a casual labourer. Nowhere it has been pleaded by the Union that Shri Kamal Kishore was employed as a probationer on a permanent vacancy. Although it has been pleaded by the Union that the work which Shri Kamal Kishore was doing was of a permanent nature because it lasts throughout the year, but this pleading cannot lead to an inference that only because the work was to last throughout a year it would become of permanent nature.

7. According to the management, Shri Kamal Kishore was employed on a particular project as a casual labourer and his work was to end with the completion of the project. The witness of the management Shri Mustafa Khan who had engaged Shri Kamal Kishore as a casual labourer also makes the similar statement. The attendance and payment registers shows that Shri Kamal Kishore was paid wages @ Rs. 3.50 per day and he was paid wages according to his daily attendance. Letter Ex. M/1 dated 4-4-1974 shows that a sanction was accorded by the General Manager for employment of 468 casual mandays for overhead line from Nandaora to Damua. Out of which 318 Mandays were to be employed @ Rs. 3.50 per day and 150 mandays were to be employed at Rs. 7 per day. The learned Counsel for the Union has laid much emphasis on the fact that Shri Mustafa Khan has stated that the work started after the receipt of the sanction and the sanction was received on 4-4-1977. Whereas Shri Kamal Kishore was employed in the month of March i.e. prior to the sanction. Therefore he was not employed on this project. I see no merit in the arguments advanced by the learned Counsel. The witness has although deposed that the work started after the sanction was accorded, but a perusal of Ex. M/2 the converging letter with the estimate sent by the Staff Officer (E & M) Kanhan area dated 15th February, 1977 shows that the estimate was approved by the General Manager on that date and the job was already taken up as per the directive of the Chief Engineer (F & M) W. C. I. Nagpur. The letter further shows that the work had been started departmentally by employing casual labour mazdoors and was expected to be completed within two months time. As such the sanction to start the work was given by the department before February 15, 1977. Ex. M/1 is only a formal order conveying the sanction to Shri Mustafa Khan on 4-4-1977. Therefore, it is clear that the action was accorded for the project before Shri Kamal Kishore was employed for the work and from the documents and registers it is further manifest that Shri Kamal Kishore was employed as a casual labourer for the particular project which was likely to be completed within a period of two months.

8. It is not the case of the workman that he had completed 240 days of work as a casual labourer. Therefore the workman cannot claim the regularisation or permanent status on the post on which he was working. If a casual labourer is employed on a particular project and the work in the project is completed then there is no work for a casual labourer and in those circumstances the management has no option but to refuse the employment to a casual worker for whom there is no work.

9. In the aforesaid circumstances, I hold that Shri Kamal Kishore was employed as a casual labourer on a job which

was essentially of a casual nature and the management was justified in terminating the services of Shri Kamal Kishore. Issue No. 2 and 3 are therefore, answered in affirmative.

10. Issue No. 4 :—As held above, Shri Kamal Kishore being a casual employee was employed on a particular project of a short duration, he therefore cannot claim the continuance of the work when there was no work for him with the management because the project for which he was employed was completed. The management is therefore, justified in terminating the services of Shri Kamal Kishore. Shri Kamal Kishore is, therefore, not entitled to an award. However, it may be observed that as the workman had suffered injuries while working on the project of the management, the management may give him a light job of a casual nature, if and when it is available, on compassionate grounds. An award is given accordingly.  
Dated 31-12-1980.

Sd/-  
A. G. QURESHI, Presiding Officer.  
[No. 1-22012/46/79-D.IV(B)]

S. O. 400.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the management of Newton Chickli (B) Colliery, Pench Area of Western Coalfields Limited, P.O. Parasia, District Chhindwara (MP) and their workmen, which was received by the Central Government on the 14th January, 1981.

BEFORE SHRI A. G. QURESHI, M.A.L.L.B., PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(20)/1980

PARTIES :

Employers in relation to the management of Newton Chickli (B) Colliery of W.C.L., Pench Area, P.O. Parasia, District, Chhindwara (M.P.) and their workman through the President, Samyukt Khadan Mazdoor Sangh (AITUC), P.O. Chandametta, Distt. Chhindwara (M.P.).

APPEARANCES :

For Union—Shri B. K. Thakur, Advocate.  
For Management—Shri P. S. Nair, Advocate.

INDUSTRY : Coal. DISTRICT : Chhindwara (M.P.).  
AWARD

In exercise of the powers conferred by Clause 10(1)(d) of the Industrial Disputes Act, 1947 the Government of India in the Ministry of Labour has referred the following dispute to this Tribunal for adjudication vide Notification No. 1-22015(1)/79-D.IV.B, dated 25-3-1980 :—

“Whether the action of the management of East Donger Chickli Colliery, Pench Area of Western Coalfields Ltd. in terminating the services of Shri Jeewandhari, Ex-Tub Loader on the basis of medical ground with effect from 29-12-76 was justified ? If not, to what should be the relief ?”

2. The case of the Union in brief is that Shri Jeewandhari was appointed as a Loader in East Donger Chickli Colliery in 1973. His token number was 1292. On 1-11-1974 he was admitted to the Barkui Hospital of the Western Coalfields Limited where he was under treatment. Shri Jeewandhari was thereafter referred to Asansol Hospital on 21-2-1976 from where he was discharged on 23-3-1976. The ailment was diagnosed to be A.T.B. of Hip Joint. The Medical Officer recommended light duty for three months. But the Manager of the East Donger Chickli Colliery did not provide him that light duty. On 23-4-1976 the Manager of East Donger Chickli Colliery asked him to report to the Chief Medical Officer, Barkui Hospital to Medical Hospital Asansol where he was admitted on 10-6-76 and discharged on 18-6-1976

He was recommended light surface duty again. But the Manager did not provide him any job as per recommendation of the Medical Officer Asansol. Thereafter his services were terminated on 29-12-1976 by the Manager of the Colliery. The Manager of the Colliery wrote to the workman that he was not fit for his original job and therefore his services were terminated but actually he was never declared unfit by the qualified Medical Officer. Therefore the workman be re-instated on job demanding lighter strain on the waist.

3. The case of the management in short is that Shri Jeewandhari was appointed Tub Loader on 26-6-1973. From July to December, 1973 he was generally on sick leave and did not do much of the work. From January 1974 he was on sick leave as a T.B. patient. It appears that he was an old T.B. patient. By letter dated 21-5-1974 the Management of East Donger Chikli Colliery sent Shri Jeewandhari to Superintendent Central Hospital Chhindwara for treatment of T.B. The Medical Officer of Regional Hospital Jamai directed that Shri Jeewandhari be admitted in T.B. Sanitorium Chhindwara. He was accordingly admitted in the Sanitorium. Shri Jeewandhari was not on duty from 1974 and constantly under medical treatment in various hospital of the coal mines. Ultimately his case was referred to the Medical Board and the Medical Board by its report dated 1-12-1976 confirmed that it was an old case of T.B. hips right with T.B. lungs. It was recommended that Shri Jeewandhari is not fit for hard work but he is fit for light duty. But Shri Jeewandhari, when offered light job, refused to perform the light duty also. Shri Jeewandhari hardly worked for 100 days in a period of four years and even after termination on 29-12-1976 he did not raise any dispute for a period of two years. This shows that the workman was never interested in working in the management. Neither under the Standing Orders nor under Industrial Disputes Act or Mines Act, the obligation caused upon the management to give employment to a patient suffering from T.B. Therefore the action of the management is fully justified in the aforesaid circumstances.

4. From the above pleadings it is not in dispute before me that Shri Jeewandhari was initially appointed as a Tub Loader on 23-6-1973 and that he was treated at different hospitals and Sanitorium for a period of about two years at the expense of the management. The only controversy is about the offer of a lighter job by the management to the workman and his refusal to work on a lighter job and the validity of the order terminating the services of the workman with effect from 29-12-1976.

5. As regards the offer of a lighter job by the management to the workman, it is proved from Ex. M/4 which is admitted by the workman himself that vide order dated 6-4-1976 Shri Jeewandhari was allowed to work on a lighter job for a period of three months from 9-4-1976 to 8-7-1976. Ex. M/5 which is also admitted by the workman further shows that vide letter dated 16-4-76 the workman declined to work even on a lighter job and he prayed for further treatment instead of taking him on work. Therefore from the two uncontroverted documents supported by the statement of Shri J. K. Jain, Manager of the Colliery I find it proved that the management had offered Shri Jeewandhari a light duty but the workman declined to work on that light job.

6. It is uncontroverted before me that vide Ex. W/3 the services of Shri Jeewandhari were terminated by the Manager of the Colliery with effect from 29-12-1976. It is also not disputed before me that Shri Jeewandhari was declared unfit for hard work specially involving a lot of walking and weight carrying and he was found fit for a light duty only vide Ex. M/9, the report of the Medical Board. About the termination letter, the witness of the management Shri J. K. Jain, Manager has stated that he had signed it at the instance of the Agent of the Colliery. He also states that tub loaders are usually appointed by the Agent. As such from the statement of Shri J. K. Jain it appear that although Shri Jeewandhari was appointed by the Agent of the Colliery but his services were terminated by the Manager in exercise of the powers delegated to him by the Agent. But letter of delegation of which Shri Jain has brought with him is given by the Senior Personnel Officer. It is a settled position of law that a person can be removed from the service only by that authority who is his appointing authority or a person superior or equivalent in rank to the appointing authority. A person appointed by a higher authority cannot be dismissed by a lower authority in rank. Manager is undis-

putedly lower in rank to the Agent. As such, he is not competent to dismiss a person from service who is appointed by the Agent. Shri Jeewandhari was appointed by the Agent of the Colliery but his services were terminated by the Manager of the Colliery. Therefore on this technical ground the order of dismissal of Shri Jeewandhari is bad in law.

7. Now a question arises as to what relief Shri Jeewandhari is entitled.

Normally in case of an illegal termination the relief is of reinstatement with back wages, but in the instant case the circumstances are such which lead me to take a different view. Shri Jeewandhari was appointed in the Colliery on 26-6-1973. Ex. M/10 will reveal that he put in an attendance of total 65 days till December 1973 and thereafter since June 1974 he was on sick leave and treated for a period of about 2-1/2 years at different hospitals and Sanitorium at the expenses of the management. When he was declared unfit for a heavy job and was considered fit for a light job the management offered him a light job which he declined to do that job. Therefore when the workman was not fit to do the work for which he was employed but was found fit for a light job and he was not willing to do that light job the management was left with no other alternative but to terminate his services. It is not a case of the workman that he was driven away from the hospital in a sick condition or that the management took any apathetic attitude towards him. The action of the management has all through been sympathetic to the workman. However, the order is being held to be illegal because of technical flaw. The workman has also not claimed back wages and continuity of service in his statement of claim. His only prayer is for reinstatement on a job demanding lighter strain on the waist. Shri Jeewandhari has not entered in the witness box before me to say that all through he was prepared to work on the lighter job but the management refused him to give that work. On the contrary the record shows that although lighter job was offered to him but he expressed his disinclination to work on a lighter job too. As such it cannot be held that he was prevented by the management from earning his wages. In view of the aforesaid discussion I hold that the termination of the services of Shri Jeewandhari being by an incompetent person is not according to law. The workman is therefore entitled to reinstatement on a lighter job. The workman shall however not be entitled to any back wages for the aforementioned reasons and he shall also not claim reinstatement on the job of a loader as he is found unfit for that job by the Medical Board and it will be hazardous both for the industry and the workman to allow him to work as a loader when he has been declared a T.B. patient. It is further clarified that at the time of the reinstatement the management shall get Shri Jeewandhari medically examined and ascertain whether he was properly cured and is in a position to even take up a light job. An award is given accordingly.

[No. L-22015/1/79-D.IV (B)]

Sd/-

A. G. QURESHI, Presiding Officer

31-12-1980.

**S. O. 401.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the management of Messrs Western Coalfields Limited, Pench Area, Parasia, District Chhindwara (MP) and their workmen, which was received by the Central Government on the 14th January, 1981.

**BFFORE SHRI A. G. QURESHI, M.A., LL.B., PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR (M.P.)**

Case No. CGIT/LC(R)(29)/1980

**PARTIES :**

Employers in relation to the management of M/s. Western Coalfields Limited, Pench Area, Parasia, P.O. Parasia, Distt. Chhindwara (M. P.) and their workmen through the Vice President, M.P.K.K.M. Sangh (INTUC), Chandametta, P.O. Parasia, Distt. Chhindwara (M.P.).

## APPEARANCES :

For Union : Shri S. K. Rao, Advocate and Shri S. S. Bhardwaj, Secretary.

For Management : Shri P. S. Nair, Advocate.

INDUSTRY : Coal DISTRICT : Chhindwara (MP)

## AWARD

In exercise of the powers conferred by Clause 10-(1) (d) of the Industrial Disputes Act 1947 the Government of India in the Ministry of Labour has, vide its Order No. L-22012 (52) /79.D.IV(B) Dated 16th May, 1980, referred the following dispute to this Tribunal, for adjudication :—

"Whether the action of the Management of Missis Western Coalfields Limited, Pench Area, Parasia in relation to their Chandametta Electrical workshop in not placing Sarva/Shri Deepak Chand, Bhailalal and Deepak Kumar Goswami in category VI as Armature Winder Gr. I and not paying them the consequent difference of wages is justified? If not, to what relief are the concerned workman entitled?"

2. The case of the Union in short is that the concerned workman are working as Armature Winders at Chandametta Workshop of the Colliery since 1976 and are placed in Category V as per the Wage Board recommendations. Actually these workmen are performing their duties as Armature winder independently without any supervision by the supervisors. Therefore they deserve to be placed in Category VI and are also entitled to the difference in wages between Category V and VI from the date of their actual performance of work in Category VI.

3. The management has resisted the claim of the Union on the grounds that the Armature winders do not automatically come in Category VI. There are at present 14 Armature Winders in Chandametta Workshop. The case of Armature Winder was considered by a duly constituted Departmental Promotion Committee and fixation in Category V and VI was decided on the basis of the said recommendations of the D.P.C. S/Shri Deepak Chand, Deepak Kumar Goswami and Bhailalal possess less skill and experience and work under the supervision and guidance of the Foreman. Therefore they have not been found fit for promotion to Category VI by the D.P.C. Promotion being a purely managerial function has to be made on various considerations including seniority, merit, availability of sanctioned post, requirement of management, production and financial capacity etc. The workmen cannot claim automatic promotion on some alleged basis of independent working. Allotment of duties, placement of work etc. are to be decided by the management according to the administrative convenience and necessity.

4. It has further been averred that the union initially raised the dispute regarding the four workmen out of them the management after having considered various aspect promoted Shri Suresh Swamy in Category VI as Armature Winder. At no stage the workmen in question had intimated in writing or otherwise that they are doing the job of Armature Winder independently without any guidance and have also not raised any question regarding the payment of difference of wages with the management. Therefore the action of the management in not promoting S/Shri Deepak Chand, Bhailalal and Deepak Kumar Goswami in Category VI is justified.

5. At the outset it may be pointed out that promotion of a workman from a lower grade to a higher grade being purely a managerial function the Tribunal would not generally interfere in the managerial discretion in respect of promotion unless it finds that the refusal of a promotion to a workman is motivated by victimization or any other unfair labour practice. The Union has neither alleged nor proved that the management has promoted some junior person in Category VI ignoring the claims of the concerned workmen or that the refusal to promote the workmen in Category VI has stemmed from any malice on the part of the management because of the trade union activities of the workmen. On the contrary, from Ex. M/4 the recommendation of the D.P.C. held on 27-4-1979, it appears that Shri Suresh Swamy was promoted in Category VI considering the merit and seniority. In the same D.P.C. the cases of S/Shri Deepak Chand, Bhailalal and Deepak Kumar

Goswami were also considered and it was found that they were not fit for promotion in Category VI because there was only one post of Winder in Category VI and out of the six persons considered Shri Suresh Swamy was found fit for promotion. The promotion of Shri Suresh Swamy has not been challenged by the Union and there can be no dispute that Shri Suresh Swamy was fit for promotion both on the basis of seniority and merit. The Union had even espoused the cause of Shri Suresh Swamy for promotion.

6. As regards Shri Deep Chand, there was a settlement between the Union and the management according to which Shri Deep Chand was to be given the work of Armature Winder independently immediately and his case for promotion was to be considered and evaluated by the D.P.C. alongwith the other Armature Winders. Therefore after the settlement Ex. W/6 the management is under an obligation to consider the promotion of Shri Deepak Chand along with others and to give him the work of Armature Winder independently. Shri Deep Chand has not appeared as a witness before me and therefore it is not clear whether the management in compliance of the mutual settlement has actually given him the work of Armature Winder independently or not. If he has been given the work of Armature Winder independently Shri Deepak Chand is entitled for the wages of Category VI from the date on which he has started working independently as an Armature Winder.

7. The claims of S/Shri Deepak Kumar Goswami and Bhailalal are based on facts that they are actually working as Armature Winders independently and therefore they are entitled to be regularised after 240 days work in Category VI in 12 calendar months. Therefore they should be promoted in Category VI and be paid difference in wages.

On this point the Union has examined the workmen S/Shri Bhailalal (W.W. 1) and Deepak (W.W. 2). Whereas the management has examined Shri Narbir Singh (M.W. 1) Superintending Engineer of the Workshop, Shri Hanadnan Mukherjee (M.W. 2) and Shri J. M. Sane (M.W. 3) Electrical Foreman in the Regional Workshop.

8. On one hand the workmen claim that they are doing the work of Armature Winding independently whereas on the other hand the witnesses of the management state that these workmen are working under the supervision of the Foreman. Shri Bhailalal admits that persons working in Category VI are senior to him. If there is any new work of such type that they do not understand then they seek guidance from the superiors. He also states that when category VI winders sit opposite to them they guide Category V Armature winders as to what wire should be pulled so that the wires of both the sides remain the same. According to him, there is no difference in the category VI winders and category V winders. Shri Deepak Goswami states that since his promotion in Category V in 1977 he is doing the job of winding independently and not under the direction of any Foreman. The Category V winders do not work under the guidance of category VI winders. He has been cross-examined to test the skill and he has demonstrated that he is a skilled workman.

9. On the other hand the witness of the management Shri Harbir Singh states that none of the three concerned workmen are working independently. They are working under the guidance of the Foreman. At present there is no post of Category VI of a Winder. All the posts are filled. Winder is initially appointed in Category V and then promoted in Category VI. If a person works on a particular post for 240 days of service on a particular job he can be regularised on that post provided he is found suitable for that job. The two other witnesses of the management Shri Mukherjee and Shri Sane who are Foreman state that all the three concerned workmen are working under their guidance. According to Shri Sane, Foreman, they decided as to what type of wire is required for rewinding. The armature winder Gr. I must be capable of working independently and he should have adequate knowledge about the winding of motor connections and starter etc. The Superintending Engineer of the Workshop has stated that initially the winders are appointed in Category V and after they acquire experience and skill they are promoted in Category VI.

10. It is uncontroverted before me that the concerned workmen have been promoted in Category V on 1-5-1974, 4-11-1977 and 4-11-1977. Deepak Chand has been promoted in 1974 and his case has already been considered and a

settlement has been arrived at between the parties as contained in Ex. W/6. Shri Bhaiyalal and Shri Deepak Kumar Goswamy cannot claim to have acquired the experience immediately after becoming the Armature Winders. It naturally requires some time for gaining more experience in a trade after a workman assumes the work in a particular trade. Now after three years in the trade of armature winding they must have gained sufficient experience and skill and they can claim the placement in Category VI whenever vacancies occurred in that Category. It is pertinent to note that none of the workmen has ever applied to the management before this dispute that they are actually in Category VI and therefore they should be paid the wages in that category.

Therefore the evidence led by management supported by the record appears to be more reliable about the actual category in which the workman Shri Bhaiyalal and Goswamy are working. The fact that initially a winder is appointed in category V and is promoted on giving experience and skill subject to the available with of vacancy appears to be correct and reasonable position.

11. In *Hindustan Lever Ltd. Vs. Workman* (AIR 1974 SC 17) the Supreme Court has held as under :—

"Ordinarily promotion of a workman from a lower grade to a higher grade is a managerial function and in the absence of a finding that the refusal of the management to place a workman in the higher grade was on account of his trade union activities or any unfair labour practice, the Labour Court could not arrogate to itself the promotional function."

In the light of the above observation if the cases of the concerned workmen are examined, I find that there is not an iota of evidence to show that the refusal of promotion to the concerned workmen is due to any unfair labour practice or malafide on the part of the management. The management has considered the cases of the concerned workmen by a duly constituted D.P.C. and could not promote them because there was only one vacancy on which Shri Suresh Swamy has already been appointed. There is no allegation of any partiality in the promotion of Shri Suresh Swamy. Similarly the management has agreed to consider the case of Shri Deepak Chand for promotion and allot him the independent work of Armature Winding. If it has not been done as yet, the management is directed to implement its agreements (Ex. W/6) without any delay. From the evidence before me it appears that Shri Deepak Kumar Goswamy and Shri Bhaiyalal are efficient persons and it is expected that they will be absorbed by the management on the availability of the vacancies. So there is no case for interference by the managerial function of promotion by this Tribunal.

12. In the above circumstances, the action of the management is held to be fully justified and the workmen concerned are not entitled to any relief. Parties shall bear their own costs.

A. G. QURESHI Presiding Officer

31-12-1980

[No. L-22012/52/79-D. IV(B)]

**S O 402.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal Jabalpur, in the industrial dispute between the employers in relation to the management of Western Coalfields Limited, Pench Area, Parasia District Chhindwara (MP) and their workmen, which was received by the Central Government on the 14th January, 1981.

BEFORE SHRI A. G. QURESHI, MAJ. B., PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/IC(R)(39)/1980

PARTIES :

Employers in relation to the management of Western Coalfields Limited, Pench Area, Parasia, P. O. Parasia, Distt. Chhindwara (MP) and their work

men through the President, B.K.K.M. Sangh (BMS) Main Road, P. O. Chandametta, Distt. Chhindwara (M.P.).

## APPEARANCES

For Union—Shri S. S. Sakarwar, Advocate.

For Management.—Shri P. S. Nair, Advocate

INDUSTRY : Coal DISTRICT : Chhindwara (M.P.)

## AWARD

In exercise of the powers by Clause '0(1)(d)' of the Industrial Disputes Act 1947 Government of India in the Ministry of Labour has vide its Notification No. 1-22012(4)/80-D.IV(B) dated 8th July, 1980, referred the following dispute to this Tribunal, for adjudication :—

"(1) Whether the action of the management of Western Coalfields Ltd., Pench Area, Parasia in relation to the Central Main Store in imposing punishing of suspension for a period of 31 days from 21-6-78 to 21-7-78 on S/Shri Malkhan Singh, Nazu Khan and Ram Prasad, Chowkidars, is justified? If not, to what relief are the concerned workmen entitled?"

(2) Whether the action of the management of M/s. Western Coalfields Limited, Pench Area, Parasia in relation to the Central Main Store in stopping two future increments to Shri Ram Prasad. Watchman in addition to imposing on him the penalty of suspension for 31 days is justified. If not, to what relief is the concerned workman entitled?"

2. The case of the Union in short is that the concerned workmen S/Shri Nazu Khan, Malkhan Singh and Ram Prasad, General Mazdoors, working as Chowkidars at C. M. Store were charge-sheeted vide management's letter dated 21-6-1978 suspending them indefinitely pending enquiry. They were alleged to have committed certain misconduct under Clause 18(1)(a)(f) & (u). The charge sheets were vague, ambiguous and the clauses of the Standing Orders quoted also have no conformity with the alleged story prepared by the management against these workers. After completion of the enquiry all the three workmen were not found guilty of the charges levelled against them by the Enquiry Officer, Shri H. Singh. The Enquiry Officer acting on certain prejudices found them guilty of gross negligence and as a result of the enquiry the management imposed punishment of stopping two future increments to Shri Ram Prasad in addition to the pay of 31 days suspension. As there is no provision in the Standing Orders to punish a workman for gross negligence because it is not a misconduct under the Standing Orders the order of punishment is illegal. Therefore the order awarding the punishment to the concerned workmen be quashed.

3. The case of the management is that all the three concerned workmen are employed as Chowkidars in the Central Main Stores of the Pench Area of the Western Coalfields Limited. The store is a very big one and material worth more than Rs. 20 lacs are stored. All the three Chowkidars were on duty from 10 p.m. to 6 a.m. in the intervening night of 19-6-1978 and 20-6-1978. A theft was committed in the intervening night of 19-6-1978 and 20-6-78 when the three workmen were on duty and the material detailed in para 2 of the written statement was stolen. The theft took place on account of non-performance of duty by the said Chowkidars. The Chowkidars were given the charge-sheet on 21-6-1978 alleging the following misconduct :—

1 Negligence of duty ;

2 Fraud, dishonesty with respect to company properties; and

3 Abatement.

The workmen denied the allegations and as a result a departmental enquiry was conducted against three workmen. The Enquiry Officer after the enquiry submitted his findings according to which except for the gross negligence on the part of the chowkidars the other charges were not proved. Therefore two consecutive annual increments of Shri Ram Prasad were withheld and for the suspension period he was

not treated on duty. S/Shri Malkhan Singh and Nazir Khan were given warning and the period of suspension undergone by them was treated as non-duty.

It has further been averred that property worth Rs. 16,591.90 were lost by theft and the theft was entirely due to the fault of the three workmen. The misconduct was of grave nature, the management took a lenient view and awarded lesser punishment to the workmen.

4. Initially on the pleadings of the parties five issues were framed by the Tribunal to decide the dispute but the issues about the correctness or validity of the enquiry i.e. Issues no. 1, 2 and 3 were not formally decided because on 1-11-80 the representative of the Union submitted that they do not challenge the legality of the enquiry. However, the Union emphasised on the legality of the charge-sheet and the punishment awarded to the workmen. Therefore the only question which now arises for determination is whether the chargesheets levellid against the workmen were legal and that the punishment awarded to them was proper and in accordance with law.

5. The learned Counsel for the Union, Shri Shakarwar, has strenuously argued that although the workmen were charge-sheeted for fraud or dishonesty in connection with the employers business or property, neglect of work and abatement of or attempt at abatement of any of the above acts of misconduct, the charge-sheet is illegal because under Clause 18(i)(u)(i) of the Standing Orders the workmen were charged for neglect of work whereas Clause 18(i)(f) speaks of 'habitual neglect of work'. Therefore the provision of Clause 18(i)(i) was wrongly quoted in the charge-sheet rendering the charge-sheet illegal. Further the workmen have been punished for neglect of work, whereas under Clause 18(i)(f) only habitual neglect of work shall constitute a misconduct. For both the aforesaid reasons the charge-sheet and the punishment are illegal because the Standing Orders do not make any provision of a misconduct for neglect of work only.

6. On the other hand, the Counsel for the management Shri P. S. Nair argues that the list of the misconduct mentioned under the Standing Orders is not exhaustive but only illustrative and it is not possible for the management to set out an exhaustive list of acts which could be misconduct. According to him, any conduct of the workman of dereliction of the duties would amount to a misconduct.

7. It cannot be disputed that the Certified Standing Orders by which the workmen are governed does not contain any provision for treating a mere neglect of work as a misconduct. According to Clause 18(i)(f) for constituting a misconduct habitual neglect of work should be alleged and proved. Therefore it has to be first determined whether the list of the misconducts mentioned in Clause 18(i) of the Certified Standing Orders is exhaustive or illustrative. In Clause 18(i) of the Certified Standing Orders the words used are "following shall denote misconduct". The word 'denote' does not mean that the description of the misconducts given under its heads is exhaustive because inherently a workman is under an obligation to perform his duties with diligence, vigilance and obedience. If a workman is appointed to perform a certain duty and he neglects to perform the same causing a serious damage to the property of the management then he cannot be absolved of his responsibility only on this ground that because he is not in the habit of negligence his action cannot be construed a misconduct. If the negligence is of a minor type or a gross negligence then that fact can be considered at the time of awarding the punishment and habitual negligence will definitely make the employee liable for a severe punishment. But it will be anomalous to hold that only because there is no specific mention in the Standing Orders about the negligence in duty as a misconduct, the management is helpless and cannot take any action against his workmen even though it may have suffered heavy loss because of the negligence of the workmen. In Shalimar Rope Works Mazdoor Union Howrah and Shalimar Rope Works Ltd. (1953-II-LJ 876) A Bench of the I.A.T. has held that it is not possible to set out an exhaustive list of acts which could be regarded as subversive of discipline and that an act should be regarded as an act of misconduct if it is inconsistent with the fulfilment of express or implied conditions of service or if it has a material bear-

ing on the smooth and efficient working of the concern.

8. In the light of the above observation it cannot be disputed that the acts of misconduct enumerated in the Standing Orders are not exhaustive and only enumerative. Therefore the absence of the act of negligence or gross negligence in the list of the actions enumerated as misconduct in the Certified Standing Orders does not debar the management from taking an action against a workman who has been held guilty of negligence or gross negligence leading to the loss of the property.

9. Now it has to be seen whether the three delinquent workmen were actually negligent in their duties. It is not disputed before me that all the three delinquent workmen were entrusted with the job of taking rounds in the night to protect the property contained in the stores and they were supposed to do the patrolling in the yard and establishing contacts with each other by actually meeting each other or by hourly whistling and replying by the whistle. This is necessary to protect the property and patrolling and whistling is an essential part of the duties of chowkidars. When all the three delinquent Chowkidars were on duty a theft was committed in the stores containing material worth thousands of rupees and a theft of goods worth over Rs. 16000 was committed. The Enquiry Officer conducting the enquiry has been fair and because of want of proof he has clearly absolved the three chowkidars from participation of theft or any act of abatement. However, he has found it as a fact that the three chowkidars were negligent in their duties and that they did not perform their normal duties which they were supposed to perform i.e. patrolling and contacting each other at an hourly interval. This finding of fact necessarily leads to a conclusion that the Chowkidars were grossly negligent in their duties. The findings have also not been challenged by the workmen. Their only attack on the findings of the order of punishment and the charge-sheet is on the basis of the non-mention of the term gross-negligence in the list denoting the misconduct. But in view of my finding in the preceding paragraph the list denoting misconduct is illustrative enumerating the acts of misconduct and not exhaustive. Therefore the arguments of the learned Counsel for the Union becomes devoid of any merit. As such the finding of the Enquiry Officer that the delinquent workmen are guilty of gross-negligence which amounts to misconduct is fully legal and proper and for the same reasons there is no defect in the charge-sheet.

10. As regards the punishment awarded to the delinquent workmen although the view taken by the management is lenient still it calls for an interference for the reason of discrimination in awarding the punishment to the three workmen. All the three workmen are found guilty of gross negligence. But Shri Ram Prasad Chowkidar has been awarded the punishment of stoppage of two consecutive annual increments and treating the suspension period as non-duty. Whereas S/Shri Malkhan Singh and Nazir Khan have been let off with only a warning and treating the period of suspension as non-duty. There is no reason why a more severe punishment is awarded to Shri Ram Prasad than the other chowkidars and I see no justification for this discriminatory order in respect of punishment. Therefore I deem it proper to interfere in the act of the management in the matter of punishment to Shri Ram Prasad and hold that he should be awarded the same punishment which has been given to two other Chowkidars S/Shri Malkhan Singh and Nazir Khan.

11. In the result, the action of the management taken against all the three workmen in holding them guilty of misconduct is held to be justified. The punishment awarded to S/Shri Malkhan Singh and Nazir Khan is also held to be proper. But the punishment awarded to Shri Ram Prasad in respect of stoppages of his two consecutive annual increments is quashed instead he is also awarded the punishment of warning as in the case of the other two Chowkidars and treating his suspension period as non-duty. In the circumstances of the case parties shall bear their own costs as incurred. An award is given accordingly.

31st December, 1980.

A. G. QURESHI, Presiding Officer  
[No. I-22012/4/80-D.IV(B)]  
S. S. MEHTA, Desk Officer

## प्रावेश

नई दिल्ली, 14 जनवरी, 1981

का० आ० 103—केन्द्रीय सरकार की राय है कि इससे उपनिद्ध अनुसूची में विनिर्दिष्ट विषय के बारे में कठुणा मादुरा, सालेम के प्रबन्धमंडल में सम्बन्ध एक औद्योगिक विवाद नियोजकों और उनके कर्मकारों के बीच विद्यमान है।

और केन्द्रीय सरकार उक्त विवाद का न्यायनिर्णयन के लिये निर्देशित करना वाछनीय समझती है;

अतः, केन्द्रीय सरकार, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उपधारा (1) के खंड (घ) द्वारा प्रदत्त शक्तिया का प्रयोग करने हुए, एक औद्योगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी श्री टी० सुदरसनम डेनिशन होंगे, जिसका मुख्यालय मद्रास में होगा और उक्त विवाद का उक्त औद्योगिक अधिकरण का न्यायनिर्णयन के लिये निर्देशित करती है।

## अनुसूची

क्या कठुणा मादुरा, सालेम के प्रबन्धमंडल की मंगरमग पालायम चूना पत्थर खान में नियोजित निम्नलिखित 31 कर्मकारों की सेवाओं को 16-5-1979 से समाप्त करने और उनको पञ्चातु-वर्ती पालखापालायम और वरुधमपट्टी चूना पत्थर खान में नियोजित करने से इन्कार करने की कार्यवाही न्यायाधिकार है? यदि नहीं तो सम्बन्धित कर्मकार किस अनुसूची के हकदार हैं?

## संदर्भ

1. के० पी० कांडास्वामी
2. पी० पालानीस्वामी
3. सी० सीरंगम
4. एम० कुपुडसन
5. पी० कांडास्वामी
6. एन० करुप्पन
7. आर० दुशास्वामी
8. आर० धैवान
9. के० श्रीरंगन
10. के० मुन्नामानी
11. एन० ताट्टेण्डन
12. ई० मानी
13. के० अरुमुथम
14. सी० रावीराम
15. ए० चेदीची
16. ए० चिन्नाथम्बी
17. सी० चिन्नापाय्यम
18. आई चिन्ना कान्त
19. पी० चिन्नास्वामी
20. सी० कानुपाय्यम
21. एम० नालापन
22. पी० सीरंगन
23. के० थागावेलु
24. एम० पीरुमल
25. सी० अमासी
26. एम० सैगोडन
27. वी० कांडास्वामी
28. सी० रामास्वामी
29. सी० कावेरी
30. वी० मुथु
31. पी० वेकटाचलम

[नकासा एन- 29011/17/80-डी, III (बी)]

शशि भूषण, अवर सचिव

## ORDER

New Delhi, the 14th January, 1981

S.O. 403.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Karuna Mines, Salem and their workmen in respect of the matter specified in the Schedule hereto annexed.

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri T. Sudarasanam Daniel shall be the Presiding Officer, with headquarters at Madras and refers the said dispute for adjudication to the said Tribunal.

## SCHEDULE

Whether the action of the management of Karuna Mines, Salem in terminating the services of 31 workmen mentioned below employed in the Mangarangampalayam Lime stone Mine with effect from 16-5-1979 and their subsequent refusal to employ them in Palakhapalayam and Varudhampatti Limestone Mines is justified? If not, to what relief the workmen concerned are entitled to?

## Saivashri

1. K. P. Kandaswami
2. P. Palaniswamy
3. C. Seerangam
4. S. Kuppudasan
5. P. Kandaswami
6. N. Karuppan
7. R. Doraiswami
8. R. Thailan
9. K. Sreerangan
10. K. Subramani
11. N. Natesan
12. E. Mani
13. K. Arumugham
14. C. Rathinam
15. A. Veydichi
16. A. Chinnathambi
17. C. Chinnapayyan
18. I. Chinna Kannu
19. P. Chinnaswami
20. C. Kannupayyan
21. M. Nallappan
22. P. Seerangan
23. K. Thangavelu
24. S. Perumal
25. C. Ammasi
26. S. Sengodan
27. V. Kandaswami
28. C. Ramaswami
29. C. Kaveri
30. V. Muthu
31. P. Venkatachalam.

[No. I-29011/47/80-D.III(B)]

SHASHI BHUSHAN, Under Secy.

New Delhi, the 16th January, 1981

S.O. 404.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Bombay, in the industrial dispute between the employers in relation to the management of Dena Bank, Bombay and their workmen, which was received by the Central Government on the 6th January, 1981.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL NO. 2, BOMBAY

Reference No. CGIT-2/36 of 1980

## PARTIES :

Employers in relation to the management of Dena Bank,  
Bombay

AND

Their Workmen

## APPEARANCES :

For the employers.—Shri S. B. Turkhud, Advocate.

For the Workmen.—No appearance

INDUSTRY

Banking

STATE :

Goa, Daman and Diu

Bombay, the 30th December, 1980

## AWARD

The following Industrial dispute was referred to this Tribunal for adjudication by the Government of India, in the Ministry of Labour in exercise of the powers conferred under Section 10(1)(d) of the Industrial Disputes Act, 1947 (14 of 1947) as per order No. L-12011/16/80-D.I.L.A. dated 16-7-1980:—

"Whether the action of the management of Dena Bank in not paying the Goa Allowance to its employees working at Daman Branch for the period from 10-4-72 to 28-1-77 is justified? If not, to what relief are the workmen concerned entitled?"

On receipt of this reference notices by registered post were issued to the parties to appear before this Tribunal on 28-8-80 to file their respective statements. The Gujarat Bank Workers' Union received the notice on behalf of the workmen on 24-7-1980. The workmen or their Union did not appear before the Tribunal on 28-8-1980. A further notice was issued to the Union for the hearing date 16-9-1980 which they received on 5-9-1980. The Union filed an application dated 15-9-1980 for extension of time till 16-10-1980 for filing their written statement of claim. Time was accordingly granted but on 16-10-1980 the workmen and their Union remained absent. The matter was adjourned to 3-11-1980 and from 3-11-1980 to 4-12-1980 to enable the workmen to file their statement of claim. On 4-12-1980 this Tribunal directed issue of final notice to the Union informing them that if no written statement of claim was filed by 29-12-1980 this reference would be closed for non-prosecution. Though the said notice was served on the Joint Secretary of the Union on 11-12-1980, the workmen or their Union did not appear before this Tribunal on 29-12-1980.

The management filed their written statement on 16-10-1980 setting out several reasons why the claim put forward on behalf of the workmen should not be granted.

As the workmen or their Union have not been taking any interest in the prosecution of this reference it is being closed for non-prosecution.

In the result this reference is answered against the workmen for non-prosecution of their claim.

P. RAMAKRISHNA, Presiding Officer

[No. L-12011/16/80-D.II(A)]

S. K. BISWAS, Desk Officer.

New Delhi, the 24th January, 1981

S.O. 405.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, New Delhi, in the Industrial dispute between the employers in relation to the management of

Bank of Baroda and their workmen, which was received by the Central Government on the 16-1-81.

BEFORE SHRI MAHESH CHANDRA, PRESIDING OFFICER,  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, NEW DELHI

I.D. No. 118 of 1977

## In re :

The Secretary,  
Bank of Baroda Employees' Association  
c/o Bank of Baroda,  
Asaf Ali Road,  
New Delhi

... Petitioner.

Versus

The Zonal Manager,  
Bank of Baroda, Parliament Street,  
New Delhi.

... Respondent.

## PRESENT :

Shri A. K. Sharma, General Secretary.  
Shri S. S. Sethi, for the Management.

## AWARD

The Central Government as appropriate Government vide its order No. L. 12012/65/75/DII(A), dated the 25th July, 1975 referred an Industrial Dispute in the following terms to the Industrial Tribunal, Delhi u/s 10 of the I.D. Act :

"Whether the management of the Bank of Baroda, New Delhi is justified in not considering Mrs. Nagpal, Cash Clerk, for the post drawing higher special allowance? If not, to what relief is the said workman entitled?"

2. On receipt of the reference it was ordered to be registered and usual notices were issued to the parties. In pursuance of the said notice the statement of claim was filed, whereafter a written statement was filed and finally a replication was filed. Thereafter the statement of claim was amended vide order dated the 8th October, 1976 to which amended written statement was filed. Before any further proceedings could take place the matter was transferred to this Tribunal, in pursuance whereof it was ordered to be registered and notices were issued to the parties. Upon the pleadings of the parties following issues were framed vide my order dated the 21st August, 1978 :

1. Whether the dispute has been validly espoused by the Union?
2. As in order of reference?
3. To what relief is the workman entitled?

## 3. Issue No. 1 :

In this matter referred u/s 10 of the I.D. Act it is urged on behalf of the Management that in so far as it is a collective dispute and in so far as it has not been espoused the reference is bad. In order to prove this issue the workman has examined Shri K. Raman, Secretary of the Bank of Baroda Employees' Association as W.W. 1 and he has stated that his union had espoused this case. In support of this statement of his he has produced Ex. W/1. copy of the extract of the minutes of the meeting held on 18th February, 1974. During cross-examination he has stated that the membership register of the Association is maintained and has denied that it was not maintained. It has been admitted by him that there is nothing else regarding Mrs. Nagpal except what is stated in Ex. W/1. When cross-examined further he has admitted that he had not brought any proof of notice of the meeting for the 18th February, 1974. Although Mrs. Nagpal has appeared as W.W. 2 but she has not stated anything upon this issue except a one line statement that the matter was espoused by the union. Let us now examine Ex. W/1. From the perusal thereof I find that Ex. W/1 is the extract of the minute book in respect of the meeting of the Managing Committee held on 18-2-1974 at Association's office at Karol Bagh at 5.30 P.M. The relevant extract reads that 'thereafter

a prolong discussion went on in details regarding the problems in Branches including individual grievances of members and it was decided to raise a dispute in Mrs. Prem Nagpal's case. In so far as the dispute in the instant case has not arisen until even 27th February, 1974 it is difficult to understand how 9 days even before that it was resolved on 18th February, 1974 that a dispute be raised in Mrs. Prem Nagpal's case. Let us refer to the letter dated the 27th February, 1974 which is Ex. W/6. From the perusal of this letter we find that it is a request by Mrs. Nagpal made on 27th February, 1974 for being given an opportunity of working as Asstt. Head Cashier in any of Bank's branches in the Union Territory of Delhi. Prior thereto there was no request even from Mrs. Prem Nagpal's side for her readiness to work as Asstt. Head Cashier. Early thereto she had been transferred as Asstt. Head Cashier to Connaught Circus Branch w.e.f. 3rd April, 1973 vide letter Copy Ex. W/4 and she was relieved with instructions to report at Parliament Street Branch, New Delhi before office hours on 5th July, 1973 vide letter Ex. W/5 dated the 3rd July, 1973. It appears that it was after the request was made in Ex. W/6 that the Bank had issued circular dated the 6th March, 1974, copy Ex. W/7 laying down certain procedure in such like cases, whereby a decision was conveyed to the effect that 'if an employee refused offer of assignment of duties even temporary or permanent which attracts special allowance he will not be considered in future for that post or any other post drawing higher special allowance also'. In the face of letter Ex. W/6 read with Ex. W/7 it cannot be said that a dispute had arisen at all on 18th February, 1974 when a decision is stated to have been taken to raise the dispute in Mrs. Prem Nagpal's case. It was for the workman side to show that the matter had been espoused. From the perusal of Ex. W/1 it cannot be said that the matter in dispute had been espoused for the reasons discussed above by me. The burden of establishing the issue was upon the workman side which has miserably failed to establish it. In view thereof I decided this issue against the workman side and hold that the workman side has failed to establish that the dispute had been validly espoused by the Union and as such the reference is held to be bad. It may be mentioned here that the matter under reference does not qualify as an Industrial Dispute until it has been properly espoused as it is not covered by the provisions of Section 2-A of Industrial Dispute Act. In view of my discussions above, issue No. 1 is decided against the workman side.

#### 4. Issue No. 2:

Even though I have decided under issue No. 1 that the reference is bad in so far as the dispute had not been properly espoused, and it is proper to decide this issue as well. The contention of the workman is that the petitioner was the workman as a cash clerk at Greater Kailash Branch of the Bank of Baroda and was permitted to officiate as Asstt. Head Cashier at various Branches from time to time w.e.f. 22nd March 1973; that the petitioner had been appointed as a Cash clerk on 13th March, 1967; that the petitioner was transferred from Greater Kailash Branch of the Bank on 4-7-73 and was promoted as Asstt. Head Cashier to Parliament Street Branch and the petitioner reported for duty on the said Branch on 5-7-73; that after working as such for few days the petitioner requested the Bank-Management to transfer her back to Greater Kailash Branch as she had not been keeping good health because of her operation and vide her letter dated 16-7-73 the petitioner forced by her ill health volunteered to forego the seniority for Asstt. Head Cashiership; that on her request the petitioner was transferred to Greater Kailash Branch as a cash clerk vide letter dated 1-8-73 but while so transferring the Management further informed her that the Management will not consider her seniority for ever in future; that on receipt of the letter dated 1-8-73 the petitioner protested on 23rd August, 1973 against the said order; that the petitioner requested the Bank through her letter dated 27-2-74 that she was fit to undertake bus journey and she be considered for officiating as Asstt. Head Cashier or Head Cashier category A in any Branch in Delhi or New Delhi but the Management did not comply with the request of the petitioner although vacancies arose at different branches; that the petitioner was being deprived of her valuable right of promotion without any fault of her and hence it was prayed that the Management be directed to consider the seniority of the petitioner for the purpose of promotion to higher post and to promote the petitioner to her lawfully entitled promotion.

5. In reply the Management has contested the claim of the petitioner on the ground that it was well within its right not to promote the petitioner after she had refused to work as Asstt. Head Cashier of her own volition. It is further urged by the Bank that the Bank had taken a policy decision not to consider for such promotions when any workman refused promotion and it has been lastly urged that the workman was not entitled to any relief.

6. The facts of the case are not much in dispute and are rather admitted. It is admitted by the workman that she was working at Greater Kailash Branch and that when she was due for promotion and a vacancy was available she was promoted as Asstt. Head Cashier and posted to Connaught Circus Branch but of her own sweet will she requested the Management to post her back to Greater Kailash Branch since it was not possible for her due to her ill health to work in the Connaught Circus Branch and the Management thereupon posted her back as Cash clerk in the Greater Kailash Branch but further decided and informed her that she would not be considered for any such promotion thereafter. It is also not denied on behalf of the Management that thereafter the workman represented that she was in a fit condition to work as Asstt. Head Cashier at any Branch in Delhi or New Delhi but the Bank refused to promote her and hence this reference. The workman side has examined only two witnesses in this case. W.W. 1 is Shri K. Ramn, Secretary of the Employees' Association but his statement is not relevant on the merits of this case. The only other witness examined is the workman herself as W.W. 2 who has stated that she joined the service of the Bank on 13-3-67 as a clerk and after two years of service she was at her request transferred. It is further stated by her that then she was transferred to Parliament Street Branch in 1973 as Head Cashier and she had in the meanwhile been operated upon and as she had found it difficult to work at New Delhi so she requested for transfer back for the time being after she had put in service as Asstt. Head Cashier in Parliament Street Branch she was transferred to M-9, Connaught Circus Branch as Head Cashier category A and then she worked there for four to five months and was again transferred to Parliament Street Branch as Asstt. Head Cashier where she worked for about a month. Finally she was sent to Greater Kailash Branch as Cash Clerk but she was simultaneously informed that she would not be promoted as Head Cashier thereafter, whereupon she submitted to the Bank that she may be permitted to work at Parliament Street Branch through a representation but nothing came out of it and hence this reference. From the perusal of her cross-examination I find that her statement that in 1973 when she was transferred to Parliament Street Branch she did not find it possible to continue to work on account of ill health at Connaught Place/Parliament Street Branch was only an excuse for her transfer back because the operation which she had referred to had been performed as early as September, 1971. It is difficult to accept that it was because of the consequence of operation of 1971 that she had requested for being transferred back from Parliament Street/Connaught Circus Branch to Greater Kailash Branch. It appears that the request was primarily due to some other considerations and it was not until the Bank had debarred her from promotion post that she was prepared to work as Asstt. Head Cashier/Head Cashier Grade A.

7. As against this evidence of the workman the Management has examined Shri G. S. Deshmukh as M.W. 1 who has produced his affidavit Ex. M.W. 1/1 in which it is stated by him that regarding assignment of duties carrying special allowance, the Bank awards and the Binartite settlement provided that who ever was required to perform additional duties carrying special allowance, would be paid the functional allowance at the specified rates and the bank assigned such duties ordinarily on the basis of seniority and this seniority reckoned branchwise if the vacancy was of less than 15 days' duration and city wise if it was of more than 15 days' duration and there was no settlement or agreement with any union in the matter of assignment of additional duties carrying special allowance to the staff members. A reference to para 2 of his affidavit is called for. In para 3 it is stated by him that 'when the vacancy was for more than 15 days duration it often involved change in the posting of staff members from one branch to another because the senior most staff member of a particular cadre in the city may not be already posted in the branch where the vacancy arose. It was experienced that in many cases when orders requiring the staff member

to report at the specified branch and to perform additional duties were issued he would not comply with the same on one pretext or the other and it was stated that it was his option to accept or not the post carrying special allowance which was in the nature of promotion. This generally delayed the process of filling up the vacancies at various branches and adversely affected the working thereof. As a result of this it was decided by the Bank that whoever declined to accept the assignment of additional duties carrying special allowance, will not be considered for assignment of any duties attracting special allowance in future. Thus from the perusal of statement of this witness in para 2 and 3 it would be found that there being no settlement or agreement with any union in the matter of assignment or additional duties carrying special allowance to the staff members it was decided by the Bank keeping in view the practical difficulties entailed in this regard that 'whoever declined to accept the assignment of additional duties carrying special allowance will not be considered for assignment of any duties attracting special allowance in future.' It cannot be said that there was anything wrong in such a decision of the Bank—Management. The decision does not appear to have been taken maliciously rather it resulted from practical difficulties experienced by the Bank Management in the functioning of the Bank. In the instant case Mrs. Nagpal appears to have refused to continue to work on a post carrying special allowance when she was posted at Parliament Street/Connaught Circus Branch of the Bank and therefore the Bank was well within its right to debar her from any such assignment in future. He has been cross-examined in detail. He has stated that the decision had been taken a few months before March, 1974 but he has not been able to give precise date of the said decision. Incidentally it may be mentioned here that the union has filed a copy of the circular dated the 6th March, 1974, copy Ex W/7. From the perusal of this document it appears that the decision of the Bank had been circulated to all branches in the region in this behalf. The other witnesses examined by the Management is Shri C. N. Sen and he has been examined as M.W. 2 and has filed his affidavit as M.W. 2/1 bringing out all the facts which have been admitted by the workman herself which led to her posting as Cash Clerk in Greater Kailash Branch after she had refused to work as Asstt. Head Cashier/Head Cashier Grade A. He has also been cross-examined at length but nothing material to bely his statement in chief has been brought out therein. He was confronted with Ex. W/2 which is a copy of the seniority list but that has no bearing on this case. The last witness examined by the Bank is Shri P. K. Gupta, Personnel Officer who has tendered Ex. M.W. 3/1 and he has also proved during cross-examination the settlement Ex. M.W. 3/2 which is referred in para 3 of his affidavit. From the perusal of the said settlement Ex. M.W. 3/2 I find that it was arrived at on 3rd October, 1978 and therefore this settlement would also not be relevant for the purposes of disposal of this case. If at all settlement Ex. M.W. 3/2 goes to show that prior to this settlement there was no settlement regarding promotion to posts carrying special allowance and in view thereof it would follow that it was open to the Management to take a decision in the matter keeping in view the exigencies of proper functioning of the Banks. From the perusal of the circular dated the 6th March, 1974 copy ex W/7 it cannot be said that it has effected change of service conditions of the workmen and therefore it does not even attract the provisions of Section 9-A of the I.D. Act, 1947, either. From whichever angle the matter may be considered I do not find that the Bank was not justified in not considering Mrs. Nagpal, Cash Clerk for the post drawing higher special allowance and decide this issue in favour of the Bank and against the workman.

#### 9. Issue No. 3 :

In view of my findings upon issues no. 1 and 2 above I hold that the workman is not entitled to any relief whatsoever.

For my discussions and findings upon issues above it is awarded that the Management of Bank of Baroda, New Delhi is justified in not considering Mrs. Nagpal, Cash clerk for the post drawing higher special allowance and it is further awarded that the workman was not entitled to any relief whatsoever. However in the peculiar circumstances of the case the parties are left to bear their own costs.

Further Ordered :

That requisite number of copies of this award may be sent to the appropriate Government for necessary action at their end.

MAHESH CHANDRA, Presiding Officer.

Dated : the 31st December, 1980.

[No. L-12012/65/75-D.II(A)]

**S.O. 406.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, New Delhi, in the industrial dispute between the employers in relation to the management of Allahabad Bank and their workmen, which was received by the Central Government on the 16-1-81.

BEFORE SHRI MAHESH CHANDRA, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL—CUM—LABOUR COURT NEW DELHI

**I.D. No. 95 of 1978**

In re :

Shri Mohan Singh Rawat,  
c/o Shri Tara Chand Gupta, Asstt. Secretary,  
Indian National Bank Employees Congress,  
91, Saraj Nazar Ali, Ghaziabad.

Petitioner

Versus

The Asstt. General Manager,

Allahabad Bank, Hazrat Ganj, Lucknow. . . Respondent.

**PRESENT :**

Shri Tara Chand Gupta—for the workman

Shri B. P. Saxena, for the Bank—Management.

**AWARD**

The Central Government as appropriate Govt. vide its order No. L-12012/93/77-D.II.A dated the 26/28th October, 1978 referred and Industrial Dispute u/s 10 of the I.D. Act, 1947 to this Tribunal in the following terms :

"Whether the action of the management of Allahabad Bank in terminating the services of Shri Mohan Singh Rawat, Peon-cum-Farash Navyug Branch, Ghaziabad Branch of the Bank w.e.f. 17-4-77 is legal and justified? If not, to what relief is the workman entitled?"

2. On receipt of the reference it was ordered to be registered and usual notices were sent to the parties. A statement of claim was filed by the workman side. As none appeared for the Management ex-parte proceedings were ordered against the Bank and ex-parte evidence of the workman was recorded. In the meanwhile an application for setting aside ex-parte order was filed on behalf of the Bank which was accepted subject to payment of costs and bank was allowed to take part in the proceedings. In consequence written statement was filed by the Bank and finally a replication was filed and the case was adjourned for evidence of the parties. Evidence of the parties was recorded and case was adjourned for arguments. While the arguments were being heard Shri M. R. Sarvadhikari, the representative of the Bank on 2nd April, 1980 stated that the workman had been appointed afresh w.e.f. 1-4-1979 in a permanent capacity in pursuance a settlement between the recognised union and management. In view thereof a copy of the settlement was ordered to be filed and the same were filed and are now on record. I have gone through the evidence produced by the parties and have heard their representatives and after giving my considered thought to the matter before me I have come to the following findings :

3. The contention of the workman is that he was appointed as a Peon-cum-Farash in the Bank on 30-4-77 and he worked in Wrightgunj Branch, Ghaziabad Branch as a Peon-cum-Farash in July, 1975 and was then transferred to Navyug Market Branch where he worked from 16-9-76 to 16-4-77. It is further stated by him that he was not given any employment from 17-4-1977 and no written order or notice for termination of his services from 17-4-77 was issued to him and he was not paid any retrenchment compensation or notice pay. It is further stated by him that he had put in requisite 240

days preceding 17-4-77 and then he sent a notice of demand to the Management, copy Ex. W/1 as no reply was received, he approached the conciliation authorities and finally this reference.

4. The Management has not denied the facts that the workman had served with the Bank during this period. It is not stated by the Bank that it had paid any retrenchment compensation to the workman before his services came to an end on 17-4-77. Rather what is stated is that the workman was not entitled to any relief.

5. In order to establish his contention the workman has come forward as M.W. 1 and has also tendered documents Ex. W/1 to Ex. W/5. It is admitted by him during cross examination that he was first appointed in July, 1975 and that since 14-4-79 he was in permanent employment of the Bank vide appointment letter Ex. M/1. The Management has examined the Establishment Officer of the Bank at Meerut as M.W. 1 and he has stated that the workman had joined the Bank in temporary capacity in 1975 and had continued to work off and on. Although it is stated by him that the workman was not prepared to join at any place other than Ghaziabad get during cross examination he has admitted that no order in writing were conveyed to workman for his posting outside Ghaziabad and he has not been able to give any details thereof. It is admitted by him during cross examination that the workman had put in 303 days from May, 1976 till April, 1977. This being the position it would follow that in so far as the workman had completed 240 days of service within a year in April, 1977 with the Bank, the termination of his services without compliance with Section 25-F of the I.D. Act w.e.f. 17-4-77 was illegal and unjustifiable. Reference in this context may be made to the principle of law laid down by Hon'ble Supreme Court of India in N. Sunder Many's case. It would therefore follow that the workman would be in consequence entitled to reinstatement w.e.f. 17th April, 1977 till the date 24-4-79 when he was permanently absorbed in the service of the Bank and accordingly it is awarded that the workman would be deemed to be reinstated in service from 17-4-77 till 24-4-79 on temporary basis and would be deemed to have been in permanent service from 24-4-79. For the period 17-4-77 to 23-4-79 the workman would be entitled to his full wages but during this period he had put in 95 days of work in 1978 and 80 days work until 7th April, 1979 in accordance with the statement of M.W. 1. A detailed statement of temporary employment of the workman has been filed on record which is not disputed by the workman side. Accordingly it is ordered that the workman would be paid arrears of wages between 17-4-77 to 23-4-79 after deducting the amount of wages paid to him during this period as mentioned in the statement filed in the court by the Management. In the peculiar circumstances of the case parties are left to bear their own costs.

Further Ordered :

That requisite number of copies of this award may be sent to the appropriate Government for necessary action at their end.

MAHESH CHANDRA, Presiding Officer.

[No. L 12012, 93/77-D III(A)]

Dated : the 19th December, 1980.

S.O. 407.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, New Delhi, in the industrial dispute between the employers in relation to the management of Grindlays Bank Ltd. and their workmen, which was received by the Central Government on the 16-1-1981.

BEFORE SHRI MAHESH CHANDRA, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL—CUM-LABOUR COURT, NEW DELHI

I.D. No. 30 of 1978

In re :

The General Secretary,  
National & Grindlays Bank Employees Union (Regd.).

C/o. Grindlays Bank Ltd., Gandhi Bazar,  
Amritsar. ...Petitioner

Versus

The General Manager,  
Northern India Grindlays Bank Ltd.,  
H-Block, Connaught Circus.  
New Delhi. ...Respondent

### AWARD

The Central Govt. as appropriate Govt. vide its order No. L-12012/778-D.II.A dated the 13th/16th March, 1978 referred an Industrial Dispute u/s 10 to this Tribunal in the following terms for adjudication :

"Whether the action of the management of Grindlays Bank Ltd., in effecting the wage cut for a few minutes for attending the funeral of Shri Dev Raj Sharma workmen's leader on 22-10-1977 from the salaries of staff members of two branches of Grindlays Bank Ltd., at Amritsar is justified? If not to what relief the workmen are entitled to?"

2. On receipt of the reference it was ordered to be registered and usual notices were sent to the parties, whereupon a statement of claim was filed on the 26th July, 1978, written statement was filed on 28th September, 1978 and finally a replication was filed on 26th October, 1978. Following three issues were framed for trial and the case was adjourned for evidence of the workman side :

1. Whether the matter in dispute has been properly espoused?
2. Whether the matter in dispute is not an industrial dispute and as such the reference is not valid?
3. As in the order of reference.

3. The workmen side has tendered seven affidavits in support of their contention and thereafter case was adjourned for cross examination of these seven persons but before cross examination was completed of all the witnesses Shri S. S. Sethi, the representative of the Management came forward with the following statement :

Statement of Shri S. S. Sethi on SA.

"If the workmen side expresses its regrets for the absence on 22-10-1977 the bank is prepared to refund the amounts deducted."

In pursuance of this offer of Shri Sethi Shri Hari Kishan Gandotra, authorised representative and Shri Tilak Raj, Jt. Secretary and Shri S. K. Kurl, the President and Shri S. M. Soni, the Jt. Secretary of the workmen's union came forward with the following statement :

"In view of the death of Shri Dev Raj Sharma, the General Secretary Shri S. P. Khanna and Shri Tilak Raj sought permission from Shri M. S. Nagpal and Shri M. L. Jain and Shri S. S. Arora respectively to attend the funeral of Shri Sharma and in consequence all the workmen went to attend the funeral. It was never our intention to absent from duty and if in consequence any work has suffered or any inconvenience has occasioned to the customers of the bank, it was never intended and feel sorry for it. We never meant it."

After these statements were recorded Shri S. S. Sethi came forward with the following statement which was followed by a statement of Shri Hari Kishan Gandotra which read as under :

Statement of Shri S. S. Sethi on SA.

"The dispute may be filed as compromised and the bank undertakes to pay back the amounts deducted within one month."

Statement of Shri Hari Kishan Gandotra on SA.

"A no dispute award be made in view of above statement."

4. In view of the statements recorded above, a no dispute award is hereby made leaving the parties to bear their own costs.

Further Ordered :

That requisite number of copies of this award may be sent to the appropriate Govt. for necessary action at their end.

MAHESH CHANDRA, Presiding Officer.

Dated : the 5th December, 1980.

[No. L-12012/7/78-D.II(A)]

S. K. BISWAS, Under Secy.

नई दिल्ली, 16 जनवरी 1981

क्र० आ० 408—आन अधिनियम 1952 (1952 का 35) की धारा 5 की उप धारा (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार श्री के० के० पासो को मुख्य आन निरीक्षक के अधीन निरीक्षक के रूप में नियुक्त करती है।

[स० ए०-12025/2/78-एम-1]

जितन्द्र कुमार जैन, अवर सचिव

New Delhi, the 16th January, 1981

S.O. 408.—In exercise of the powers conferred by sub-section (1) of Section 5 of the Mines Act, 1952 (35 of 1952), the Central Government hereby appoints Shri K. K. Passi as Inspector of Mines subordinate to the Chief Inspector of Mines.

[F. No. A-12025/2/78-M.1]

J. K. JAIN, Under Secy.

आदेश

नई दिल्ली, 16 जनवरी, 1981

क्र० आ० 109—केन्द्रीय सरकार की राय है कि हमसे उपाबद्ध अनुसूची में विनिर्दिष्ट विषय के बारे में स्टील आयागिटी आफ इंडिया लिमिटेड के राउरकेला स्टील प्लांट के प्रबन्धन में सम्बद्ध नियोजकों और उनके कर्मचारों के बीच एक औद्योगिक विवाद विद्यमान है,

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्दिष्ट करना बाध्यता समझती है,

अतः, अथ, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7 के अधिनियम 10 की उपधारा (1) के अन्तर्गत (ब) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एक औद्योगिक अधिकरण गठित करती है जिसके पीठामेन अधिकारी श्री एम० की० गंगाराजू होंगे, जिसका मुख्यालय भुवनेश्वर में होगा और उक्त विवाद को उक्त अधिकरण को न्यायनिर्णयन के लिए निर्दिष्ट करती है।

अनुसूची

क्या 18.1975 में निर्माण कार्यपालक-हतर कर्मचारियों के लिए प्रबन्धन द्वारा प्रारम्भ की गई प्रोत्साहन उपार्जन स्कीम के अनुसार प्रोत्साहन बोनस देने के लिए स्टील आयागिटी आफ इंडिया लिमिटेड के राउरकेला स्टील प्लांट की वरगुआ लोह अयस्क खानों के अस्थायी कर्मचारों की मांग न्यायोचित है? यदि हाँ, तो वे किस अनुसूची के दायरे में हैं और किस तारीख से?

[स० एन-26011/12/77-डी-3 (बी)]

ORDER

New Delhi, the 16th January, 1981

S.O. 409.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Rourkela Steel Plant of Steel Authority of India Limited and their workmen in respect of the matter specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication,

Now, therefore, in exercise of the powers conferred by Section 7A and clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri M. V. Gungaraju shall be the Presiding Officer with headquarters at Bhubaneswar and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

"Whether the demand of the temporary workmen of Barsua Iron Ore Mine, of Rourkela Steel Plant of Steel Authority of India Limited for grant of Incentive Bonus, according to the Incentive Earning Scheme introduced by the management for regular non-executive employees with effect from 1-8-1975 is justified? If so, to what relief they are entitled and from what date?"

[No. L-26011/12 77-D.III(B)]

New Delhi, the 17th January, 1981

SO. 410.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Bombay in the industrial dispute between the employers in relation to the management of Pissurlem Iron Ore Mine of Messrs Agrawal Minerals, Goa, Private Limited, Margao, Goa and their workmen, which was received by the Central Government

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

Reference No. CGIT-2/23 of 1975

PARTIES :

Employers in Relation to the management of Pissurlem Iron Ore Mine of Messrs Agrawal Minerals (Goa) Private Limited, Margao, Goa

AND

THEIR WORKMEN

APPEARANCES :

For the Employer.—Shri K. N. Rao Personnel, Manager.

For the Workmen.—Shri Albano Viegas, Advocate.

Industry : Mining

State : Goa, Daman and Diu  
Bombay, dated the 8th October, 1980

AWARD

The Government of India, in the Ministry of Labour in exercise of the powers conferred under Section 10(1)(d) of the Industrial Disputes Act, 1947 referred the following industrial dispute to this Tribunal for adjudication under order No. L-26012/14/75-D.IV(B) dated 15-11-1975 :—

"Whether the action of the management of Messrs Agrawal Minerals (Goa) Private Limited, Margao-Goa in retrenching Shri A. Radhakrishnan, Compressor Operator and Shri Nana Sab, Assistant Wagon Drill Operator with effect from 7-9-1975 was justified? If not, to what relief are the said workmen entitled?"

The case of the workmen is that they were working under the employer in their mining establishment at various places in Goa and at the time of appointment they were not informed that they were liable to be transferred from one State to another State nor there was any such standing order of the Company on the date. It is alleged that by letter dated 31-5-1975 the Garage-in-charge of M/s. G. N. Agrawal & Co. Private Ltd. informed the workmen that as per the advice of the Agent of the company, they were to be temporarily shifted to their new mine at Hospet in Mysore State and it was further directed that they should proceed to Hospet on Monday the 2nd June, 1975 along with the Compressor and Wagon Drill which were being sent to Hospet. It may be mentioned at this stage that Shri A. Radhakrishnan was the Compressor Operator and Shri Nana Sab was the Wagon Drill Operator during the relevant period. It is stated that the latter did not indicate as to what would be the allowance payable to them on their transfer to State other than they were employed. Accordingly,

the two workmen on 2-6-1975 wrote to the Garage-in-charge that they may be permitted to postpone their departure preferably to 2-6-1975 due to unavoidable reasons and they should also be informed the rate of daily allowance payable to them but they did not receive any reply.

By letter dated 27-6-1975 the workmen were informed that the Compressor and the Wagon Drill had been sent to Hospet and further informed that it would take a considerable time before the same were brought back to Goa. Further they were informed that as the workmen had refused to go to Hospet, they were to be laid off and lay off compensation would be paid to them.

The matter was taken up by the Union and the President of the Union by his letter dated 2-7-1975 informed the management that the workmen had not refused to go to Hospet and that the lay off order was uncalled for and the workmen may be given alternative employment. The President of the Union also discussed the matter with the Agent of the Employer and it was agreed that the workmen concerned will be provided with alternative employment but it was not done in spite of reminder by the Union. It was however by letter dated 2-7-8-1975 the workmen were informed that since the Compressor and the Wagon Drill were in Hospet and as the workmen had been laid off, they were being given one more opportunity to proceed to Hospet where some work could be provided for them. They were informed that they would be paid travelling allowance by the shortest route from Pissurlem to Hospet and that they would be provided with accommodation at Hospet. It is stated that by letter dated 1-9-1975 the workmen wrote to the Agent stating that they were willing to proceeding to Hospet, but as the cost of living is higher than Goa, an advance of Rs. 150/200 should be made to them. Further they should be paid a daily allowance of Rs. 12 as daily food allowance. By letter dated 6-9-1975 the employer informed the workmen that their services stood terminated with effect from 7-9-1975 and that they were being paid one month's wages as required under Section 25(a) and compensation due under Section 25(b) of the ID Act and they were requested to call at the Pissurlem mine office on 7-9-1975 to collect their dues.

It is submitted that the employer took no action to sanction the advance and did not clarify the workmen's doubt as to the daily allowance that would be paid to them if they were transferred to Hospet.

It is submitted that the order retrenchment is mala fide illegal null and void as their appointment was for working in the State of Goa and there was no such term at the time of appointment that they could be transferred to any other place outside Goa. Hence the transfer to Hospet was against the terms and conditions of service. It is submitted that the workmen at all times were ready to proceed to Hospet but their daily allowance etc. were not fixed by the management. The order of retrenchment has been challenged and it is stated that the concerned workmen should be reinstated with full back wages and continuity of service.

The case of the employer is that the aforesaid workmen were employed at Pissurlem iron ore mine and that by letter dated 31-5-1975 they were informed that they should proceed to Hospet on 2-6-1975 along with the mines on which they were working which were temporarily shifted to new mines at Hospet. They were also informed that they were not going to Hospet on transfer and that they would be provided with suitable accommodation and they would be paid usual allowances applicable to their categories and further if they require any advance for temporary arrangement for their family, they could collect the same from the local office.

In spite of it the workmen concerned did not proceed to Hospet, instead requested for postponement till 5-6-1975 and wanted to know the amount of daily allowance payable to them. It is submitted that the workmen were fully aware that whenever they leave their normal place of work they are paid Rs. 5 as daily allowance which include food also and in the circumstances the request for postponement sent by the workmen was only to delay the matter. The workmen however, subsequently were informed that they should proceed to Hospet being junior most employees in their respective category and they would be paid the usual allowance of Rs. 5 per day travelling expenses to Hospet and accommodation there. But in spite of it the workmen refused to go to Hospet.

It is submitted that the ore deposits in the mines already being decreased the company was looking out for mines where there is some rich deposits and therefore some machines were sent to Hospet for prospecting and as these workmen were also operators of the machine and hence they were directed to proceed there. The Machines however could not be kept idle at Hospet for a longer period and as the workmen continued to refuse to proceed to Hospet the management had no other alternative but to lay off them from 27-6-1975. The matter was raised by the Union to whom everything was explained by the management adding that the management was not in a position to provide them with any alternative job in any of their mines and gave them one more chance to go to Hospet till 27-8-1975, failing which the management will have no other alternative but to retrench them from service. There was no response from the workmen till 6-9-1975 and hence on 6-9-1975 their services were terminated by letter dated 6-9-1975.

The letter dated 1-9-1975 alleged to have been sent by the workman has been denied and it is submitted that no such letter was received, but a letter with postal envelop bearing dated 16-9-1975 which contained the workmen's letter dated 1-9-1975 was shown to the Conciliation Officer, during the conciliation proceedings.

It is submitted that the retrenchment was effected properly in accordance with law and was justified. It is also submitted that in spite of opportunities given to the workmen they did not go to Hospet and it was not a case of transfer but a case of temporary shifting. As the workmen refused to go to Hospet the Employer had no other alternative but to retrench them.

The point for consideration is whether the action of the management of Messrs Agrawal Minerals (Goa) Private Limited, Margao-Goa in retrenching Shri A. Radhakrishnan, Compressor Operator and Shri Nana Saba, Assistant Wagon Drill Operator with effect from 7-9-1975 was justified and if not, to what relief are the workmen entitled?

Ex. M-1 is the letter dated 31-5-1975 sent by the Garage-in-charge to the concerned workmen informing them that as per the advice of the Agent they were advised to proceed on Monday 2nd June 1975 to Hospet along with the Compressor and Wagon Drill which are temporarily shifted to their new mine. They were further informed that they were on duty and not going on a transfer and during their stay at Hospet they will be paid usual allowances applicable and suitably accommodated and in case they need any advance for temporary arrangement for their families it may be collected from the office. MW-1 is the signatory to the letter and he is the Garage-in-charge and looks after the work of other sister companies of M/s Agrawal Minerals (Goa) Private Ltd. He has stated that the letter was issued by him under the instructions from the Head Office and delivered to the concerned workmen but on the following day i.e. 2-6-1975 the concerned workmen approached him stating that they have got some problems in respect of Food allowance and so they wanted to discuss this matter with the Union. He has further stated that these workmen were told that they are sent on deputation and not on transfer. It is further stated by him that there is a practice of paying advance as also payment of food and travelling expenses for employees going on deputation and in this particular case these employees were also intimated that they will get suitable accommodation also. Still they refused to go to Hospet. Ex. M-2 is another letter dated 2-6-1975 written by the Garage-in-charge informing the Head Office that the concerned workmen have expressed their inability to proceed to Hospet on Monday 2-6-1975 as they have to consult the Union Committee members over the question of allowances etc. and therefore they are being sent to the Head Office for settlement of their problems. MW-1 directed the concerned workmen to go to the Head Office and get the matter discussed there. This fact is admitted by WW-1 Shri A. Radhakrishnan one of the concerned workmen himself. In para 2 of his deposition WW-1 admitted that he did not go to the Head Office as he had no money.

From the letter Ex. M-1 it is apparent that it was made clear to the concerned workmen that they were not going on transfer but it was a case of temporary shifting only. Further in para 6 of his deposition WW-1 stated that he does not know English and he was told that it was a transfer letter but this is not believable. It is in view of that the workmen concerned consulted the Union. It is not expected that the

Union would not inform them that it was not a case of transfer but it was a case of temporary shifting or a case of deputation. In fact it was not a case of transfer at all and the concerned workmen being under the employment of the company was bound to obey the order and go to Hospet. They were also directed to collect necessary advance etc. The concerned workmen could have gone to Hospet after settling their daily allowance in the Head Office as advised by the Garage-in-charge, but they did not comply with the order of the management. Ex. W-1 is the letter sent by the workmen to the Garage-in-charge praying to postpone the departure to 5-6-1975. They also wanted to know the daily allowance payable to them. There is nothing to show that the management did not allow them to proceed to the new place by 5-6-1975. If the workmen had any difficulty regarding rate of daily allowance etc, they would have easily settled the matter by negotiations with the management even after going to Hospet and they should not have disobeyed the orders of the management as it was apparently against the conditions of service being not a case of transfer.

According to the witness MW-1 after the concerned workmen refused to go with Compressor and Wagon Drill which were being shifted to Hospet other persons were sent to Hospet. The management waited for some time and finally by letter dated 27-6-1975 Ex. W-2, the services of these two workmen were laid off. The matter was then taken by the Union and Ex. W-3 is the letter sent by the Union to the management requesting them that the matter may be settled. The evidence of the management is that there was no work left for the concerned workman at Pissurlem Mine and hence no alternative job could be provided to them. Ex. W-4 is another letter written by the Union. It appears that thereafter on 27-8-1975, Ex. W-5 the workmen were informed that they were aware that the machines in question had already been sent to Hospet where they refused to go and that it will take considerable time before the machines are bought back and hence one more opportunity was given to them so that some work could be provided to them there and if they continue to refuse to proceed to Hospet, the management will have no other alternative but to retrench their services. They were also informed that the Travelling allowance by the shortest route from Pissurlem to Hospet, and also accommodation would be provided at Hospet. There is nothing to show that the workmen approached the management for payment of advance, which they refused. In fact the management was ready to pay the travelling allowance and also accommodation etc. The amount of daily allowance payable to them would have easily been settled by the workmen after discussing with the management instead of refusing to go to Hospet. According to the instructions contained in Ex. W-5 dated 27-8-1975, the workmen did not go to Hospet and hence their services were retrenched by letter dated 6-9-1975, Ex. W-8 with effect from 7-9-1975.

It is argued on behalf of the workmen that they sent a letter dated 1-9-1975 Ex. W-7 informing the management that they were prepared to go to Hospet and they should be paid Rs. 150 as advance as also Rs. 12 as daily allowance. This letter according to the written statement of the management was received as late as 16-9-1975 after the retrenchment order had been passed. There is nothing on record to show that this letter was received by the management within time i.e. before the order of retrenchment. Further this letter is also not unconditional. The workmen informed the management that they are prepared to proceed to Hospet provided they are granted Rs. 150 as advance and Rs. 12 as daily allowance, though as per practice they were entitled to get Rs. 5 only as daily allowance. The concerned workmen knew that their services were laid off as there was no work left for them at Pissurlem Mine and as the machine have already been sent to Hospet so in that case they should have complied with the direction of the management and proceeded to Hospet even if they have any grievance against the daily allowance etc. which could have been settled subsequently.

One of the ground taken on behalf of the workmen is that the employees junior to the concerned workmen were retained at Pissurlem mine and they were ordered to go to Hospet but according to the management the concerned workmen were the junior-most in their category in the employment of the company during the period in question. This fact has

been admitted by one of the concerned workmen -WW-1. In his deposition para 5. So the above ground taken by the Union is not tenable.

On consideration of the above evidence and the circumstances of the case it is clear that it was not a case of transfer but a case of temporary deputation and the concerned workmen in spite of opportunity given to them did not join at Hospet and refused to comply with the order of the management on some ground or other, which were not justified and in such circumstances the management had no other alternative but to retrench them. The letter also shows that they were offered retrenchment compensation and other benefits payable to them, under Section 25F(a) and (b).

In the result I hold that the action of the management of Messrs Agrawal Minerals (Goa) Private Limited Margao- Goa in retrenching Shri A. Radhakrishnan, Compressor Operator and Shri Nana Sab, Assistant Wagon Drill Operator with effect from 7-9-1975 is justified.

Award is made accordingly.

No order as to costs.

JITENDRA NARAYAN SINGH, Presiding Officer

[No. L-26012/14/75-D.IV(B)/D.III.(B)]

New Delhi, the 20th January, 1981

**S.O. 411.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial No. 2, Dhanbad, in the industrial dispute between the employers in relation to the management of Bhawanathpur Lime Stone Mines of Bokaro Steel Plant of Steel Authority of India Limited and their workmen, which was received by the Central Government.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) DHANBAD.**

**Reference No. 40 of 1979**

In the matter of an industrial dispute under S. 10 (1) (d) of the I. D. Act, 1947.

**PARTIES :**

Employers in relation to the management of Bhawanathpur Lime Stone Mine of Bokaro Steel Plant of Steel Authority of India Limited,

**AND**

Their workmen.

**APPEARANCES :**

On behalf of the employers : Shri B. N. Singh, Dy : Manager (Personnel).

On behalf of the workmen : Shri R. S. Pathak, Branch Secretary, Bokaro Steel Workers Union, Bhawanathpur.

**STATE :** Bihar **INDUSTRY :** Lime Stone Mine, Dhanbad, 21st November, 1980

**AWARD**

This is a reference under S. 10 of the I. D. Act, 1947. The Central Government by its notification No. L-26011/5/78-D.III.B dated 20th June, 1979 has referred this dispute to this Tribunal for adjudication on the following terms :

**SCHEDULE**

"Whether the demand of the Bokaro Steel Workers Union for permanency of the Nominal Muster Roll workmen, as detailed in Annexure of Bhawanathpur Lime Stone Mine of Bokaro Steel Plant of Steel Authority of India Limited, District Palamau is justified ? If so, to what relief the workmen are entitled".

2. After receipt of the reference written statements were filed by both the parties. The reference thereafter proceeded along its course and ultimately on 20-11-80 a memorandum of settlement was filed by the parties incorporating therein the terms of settlement arrived at between them in respect of the industrial dispute pending for adjudication in this Tribunal. As per the terms of settlement the workmen in categories of blaster, sampler and mazdoors

would be regularised and the regularisation order of the 35 employees and of the existing NMR would be issued simultaneously. The 35 employees mentioned in the Annexure-A of the settlement would also get a lump-sum amount as ex-gratia. The cases of other employees have also been amicably settled. Since the settlement is beneficial to both the parties, I accept the same. Accordingly, I pass the award in terms of the settlement which do form a part of the award.

J. P. SINGH, Presiding Officer  
[No. L. 26011/5/78-D. III.(B)]

Annexure to Order No. L-26011/5/78-D. III. B.

Dated 20th June, 1979

Sl. No.	Name	Designation	Date of appointment
1.	S/Shri Ram Lal Sah	Mazdoor	15-2-77
2.	Manager Baitha	-do-	15-2-77
3.	Bipat Sah	-do-	15-2-77
4.	Surendra Sah	-do-	15-2-77
5.	Chandrika Pd. Yadav	-do-	21-2-77
6.	Ram Nath Sah	-do-	21-2-77
7.	Buij Nath Sah	-do-	21-2-77
8.	B. Swanath Sah	-do-	21-2-77
9.	Arjun Sah	-do-	21-2-77
10.	Ram Naresh Choudhury	-do-	21-2-77
11.	Jamuna Choudhury	-do-	19-2-77
12.	Kuldip Baitha	-do-	19-2-77
13.	Rajkaram Sah	-do-	19-2-77
14.	Khirpat Sah	-do-	19-2-77
15.	Lubdhawan Choudhury	-do-	19-2-77
16.	Ram Bati Sah	-do-	19-2-77
17.	Bhola Mahato	-do-	19-2-77
18.	K.K. Jha	Sampler	2-3-77
19.	S.N. Prasad	-do-	4-3-77
20.	Balram Singh	-do-	25-4-77
21.	Shyam Behari Tiwari	-do-	25-4-77
22.	Chandriman Mahato	Mazdoor	20-4-77
23.	Chandeshwar Kumar Mahato	-do-	20-4-77
24.	Raj Deo Ram	-do-	20-4-77
25.	Surendra Singh	-do-	20-4-77
26.	Munshi Ram	-do-	19-2-77
27.	Sachindanand Singh	-do-	20-4-77
28.	Nak Bahadur	-do-	21-2-77
29.	Lal Bihadur	-do-	15-2-77
30.	K.K. Tiwary	Blaster	4-11-76
31.	B.K. Singh	-do-	19-10-76
32.	Rameshwar Pandey	-do-	11-10-76
33.	Bhun shwar Tiwary	-do-	19-10-76
34.	Deenath Ram	-do-	19-10-76
35.	Sudheshwar Dubey	-do-	11-10-76
36.	Ram Subhag Ram	-do-	19-10-76
37.	Nand Kishore Ojha	-do-	15-11-76
38.	Shankar Upadhaya	-do-	11-10-76
39.	Ramesh Prasad	Pump Operator	1-4-78
40.	Ramshis Kumar Singh	-do-	20-4-73
41.	Pratap Singh Nair	-do-	22-4-73
42.	Ayodhya Yadav	Watchman	25-4-73
43.	Bashant Pandey	Khalasi	25-4-73
44.	Rajkumar Tiwary	-do-	26-4-73
45.	Jammuna Singh	Watchman	27-4-73
46.	Lalbahadur Yadav	-do-	28-4-73
47.	Ram Naresh Ram	-do-	28-4-73
48.	Hughupati Singh	-do-	20-5-73
49.	Rambati Ram	-do-	2-5-73
50.	Hrish Prasad	Khalasi	15-5-73
51.	Surendra Singh	-do-	25-4-73
52.	Manoranjan Kumar Sinha	-do-	28-4-73
53.	Lala Si a Ram	Work Asstt.	22-5-73
54.	Ayodhya Mishra	Watchman	22-4-73

Memorandum of settlement reached between the representative of Bokaro Steel workers Union and the representatives of BSL Management on 6-11-1980 regarding the case of NMR employees (Bhawanathpur Mines) pending before the Central Govt. Industrial Tribunal No 2 Dhanbad.

#### PRESENT :

Representing management : S/Shri.—1. N. Nanakirman, CE (OMQ) 2. U. K. Choubey, CPM 3. R. N. P. Sinha, Dy. C. P. M. (Estt) 4. Balbir Singh, Dy. CPM (M&S) 5. R. B. Singh, Dy. Manager (S).

Representing workmen, S/Shri.—1. P. N. Tripathi, Working Presidner BSWN. 2. R. S. Pathak, Branch Secretary BSWU, BNP Mines. 3. K. P. Gopalan Nair 4. S. N. Ashraff. 5. K.K. Jha.

#### RECITAL

A Tripartite Settlement dated 8-9-1980 was reached between the representatives of Bokaro Steel workers Union and management in connection with the strike in the establishment of contractors, Bhawanathpur Limestone Mines. It was agreed as per clause No 3 of the said settlement that the question of NMR employees; including the cases of 26 (actually 35) workmen pending before the Industrial Tribunal No. 2 (Central Govt.) Dhanbad, would be discussed between the union and management. If a settlement reached, a petition would be filed before the Tribunal for consent award.

The issue pertaining to cases of 35 workmen (Annexure 'A') under reference No. 40/79 and cases of two more workmen under reference No. 75/79 were also discussed in detail between the representatives of union and of management on 4-11-80 and 5-11-80. After prolonged discussions, following terms and conditions were agreed to by both the parties on 6-11-80, in respect of regularisation of the above workmen (excepting sl. No. 30 who has expired) and relief in the form of lump-sum amount payable to said workmen.

#### TERMS OF SETTLEMENT

A.1. The workmen in the categories of Blaster, Sampler and Mazdoor would be regularised in the designation and pay-scale indicated in the annexure. The concerned workmen would be regularised as per rules/practice of the company.

2. The regularisation order of the 35 employees and of the existing NMR employees working in OMQ Department would be issued simultaneously.

3. The workers' representatives insisted that since the workmen are being regularised with immediate effect and these cases are old and an industrial dispute is pending, some financial relief must be allowed to the said workmen. This matter was deliberated upon in detail between both the parties and it was agreed that a lump-sum amount would be paid to 35 employees as an ex-gratia as mentioned in the said Annexure—'A'.

B. Regarding the cases of S/Shri K. P. Gopalan Nair and S. N. Ashraff, under reference No 75/79, following terms and conditions were agreed to :

(i) Shri Gopalan Nair would be regularised as Asstt. Surveyor in S-5 grade (Rs. 490-777) in accordance with rules. He would continue to hold this designation as personal to him. He would be paid a lump-sum amount as ex-gratia as mentioned in the annexure against his name.

(ii) Regarding Shri Ashraff, it was found that though he was holding designation of Driver, he has been actually working as Despatcher Gr. II (3-4) w.e.f. 1-6-1979. He would be redesignated as Despatcher in the pay-scale of S-4 and his eligibility would be counted from 1-6-79 for the purpose of promotion. He would be paid a lump-sum amount as ex-gratia as indicated against his name in the annexure.

## GENERAL

1. The workmen who are to be regularised under the rules of the company in the category of Mines Foreman, Mining Mate and Blaster would be regularised in the agreed scale and posts provided they fulfil the statutory qualifications prescribed under Metalliferous Mines Regulation 1961.

2. All the above 36 workmen would be entitled to arrears arising out of revision of minimum per day wages w.e.f. 1-1-80, as per decision of the management vide circular No. Pers/IR/03/9-40 dated 3/4-1-1980 read with circular No. Pers/IR/03/9 dated 1-7-1980.

3. It was agreed by the management that earlier orders of management regarding allotment of 'D' type quarter to the Union would be implemented.

4. It was agreed by both the parties that they would pray before Industrial Tribunal No. 2 (Central Govt.) Dhanbad for consent Award on the basis of this settlement.

This agreement will come into force consequent upon consent Award to be awarded by the said Tribunal.

## SIGNATURES.

Representing management.—1. N. Janakiraman, 2. UK Choubey, 6-11-80 3. RNP Sinha, 6-11-80. 4. Balbir Singh, 6-11-80 5. R. B. Singh, 6-11-80.

Witness.—1. N. Chattopadhyay, Jr. Manager (pers-s) 2. sd/-M. P. Baxi, Asstt. S/T.

Representing workmen —1. P. N. Tripathi, 6-11-80 2. R. S. Pathak, 6-11-80 3. K. P. Gopalan Nair, Nair, 6-11-80 4. S. N. Ashraff, 6-11-80 5. K. K. Jha, 6-11-80.

Copy to : Asstt. Labour Commissioner (Central) Hazaribagh.

2. R. L. C. (C) Dhanbad, (3) C. I. C. (C) New Delhi Secy. Mines Mv. Labour N.

Ref. No. 40/79

## ANNEXURE—A

Sl. No.	Name	Existing Designation	Date of Joining as NMR	Agreed designation & scale of pay		Amount paid as ex-gratia
				Designation	Scale of pay	
1.	S/Shri Ramlal Sah	Mazdoor	15-2-77	Mazdoor	400—488	1640
2.	Manager Baitha	-do-	15-2-77	-do-	400—488	1640
3.	Bijrat Sah	-do-	15-2-77	Already joined		500
4.	Surender Sah	-do-	15-2-77	Mazdoor	400—488	500
5.	Chandrika Pd Yadav	-do-	21-2-77	-do-	400—488	1640
6.	Ramnath Sah	-do-	21-2-77	-do-	400—488	1640
7.	Baij Nath Sah	-do-	21-2-77	-do-	400—488	1640
8.	Biswanath Sah	-do-	21-2-77	Joined as Khalasi		500
9.	Arjun Sah	-do-	21-2-77	Mazdoor	400—488	1640
10.	Ram Naresh Choudhary	-do-	21-2-77	Already joined		500
11.	Yamuna Choudhary	-do-	19-2-77	Mazdoor	400—488	1640
12.	Kuldip Baitha	-do-	19-2-77	-do-	400—488	1640
13.	Raj Karan Sah	-do-	19-2-77	-do-	400—488	1640
14.	Kirpat Sah	-do-	19-2-77	-do-	400—488	1640
15.	Ludhawan Choudhary	-do-	19-2-77	-do-	400—488	1640
16.	Ram Bati Sah	-do-	19-2-77	-do-	400—488	1640
17.	Bhola Mahato	-do-	19-2-77	Already joined	400—488	500
18.	K.K. Jha	Sampler	2-3-77	Sampler	430—605	2140
19.	S.N. Prasad	-do-	4-3-77	-do-	430—605	2140
20.	Balram Singh	-do-	25-4-77	Joined as sampler		500
21.	Syam Bihari Tiwari	-do-	25-4-77	-do-	430—605	500
22.	Chandraman Mahto	Mazdoor	20-4-77	Already joined		500
23.	Chandeshwar Kr. Mahto	-do-	20-4-77	-do-	430—605	500
24.	Rajdeo Ram	-do-	20-4-77	Mazdoor	400—488	1640
25.	Surender Singh	-do-	20-4-77	-do-	400—488	1640
26.	Munshi Ram	-do-	19-2-77	-do-	400—488	1640
27.	K.K. Tiwari	Blaster	4-11-76	Mines Foreman	530—894	3140
28.	B.K. Singh	-do-	10-10-76	Mining mate	430—605	2140
29.	Rameshwar Pandey	-do-	11-10-76	-do-	430—605	2140
30.	Bhuneswar Tiwari	-do-	19-10-76	Expired		3000
31.	Deonath Ram	-do-	11-10-76	Blaster	430—605	2140
32.	Sudheswar Dubey	-do-	11-10-76	-do-	430—605	2140
33.	Ram Subhag Ram	-do-	19-10-76	-do-	430—605	2140
34.	Nand Kishore Ojha	-do-	15-11-76	-do-	430—605	2140
35.	Shanker Upadhyay	-do-	11-10-76	Already joined		440
36.	P. Gopalan Nair			Asstt. Sureyor	490—777	3750
37.	N. Ashraff			Already joined		3450

U.K. Choubey, CPM  
6-11-80

Sd/- R.S. Pathak  
6-11-80

Sd/- P.N. Tripathi  
6-11-80

**S. O. 412.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, No. 2, Dhanbad, in the industrial dispute between the employers, in relation to the management of Gore Magnetite Project of Bharat Coking Coal Limited, Redma, Daltanganj, District Palamau and their workmen, which was received by the Central Government.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) DHANBAD.**

**Reference No. 4 of 1978**

In the matter of an industrial dispute under S. 10 (1) (d) of the I. D. Act, 1947.

**PARTIES :**

Employers in relation to the management of Gore Magnetite Project of Bharat Coking Coal Limited, Redma, Daltanganj, Dist. Palamau.

**AND**

Their workmen.

**APPEARANCES :**

On behalf of the employers :—Shri T. P. Choudhury, Advocate.

On behalf of the union :—Shri Satya Pal Verma, President, Palamau Khan Mazdoor Sangh, Daltanganj.

Shri S. Dasgupta, Jt. General Secretary, Rastriya Colliery Mazdoor Sangh.

Sri Shankar Bose, Secretary, Rastriya Colliery Mazdoor Sangh, Dhanbad.

State : Bihar.

Industry : Magnetite.

Dhanbad, 13th November, 1980.

**AWARD**

This is a reference under Section 10 of the I. D. Act, 1947. The Central Government by its notification No. L-27011/1/78 DIII/B dated 16th September, 1978 has referred this dispute to this Tribunal for adjudication on the following terms :

**SCHEDULE**

"Whether the demand of the workmen of the Gore Magnetite Project of M/S Bharat Coking Coal Ltd., Redma Daltanganj, P. O. District Palamau for payment of wages and fixation of workload for piece rate workers at par with workers of coal mines, as per National Coal Mine Wage Agreement dated 11th December, 1974 is justified ? If not, to what rates of wages the workmen are entitled and from what date and what should be the workload for general/piece-rate mazdoors in relation to their piece-rate wages."

2. After receipt of the reference written statements were filed by the employers as also by the workmen. Then at the instance of the workmen Rastriya Colliery Mazdoor Sangh was impleaded as a party in this reference. The reference thereafter proceeded along its course and ultimately on 10-11-80 a memorandum of settlement was filed by the parties incorporating therein the terms of settlement arrived at between them in respect of the industrial dispute pending for adjudication in this Tribunal. I have heard the parties on the joint petition and it is prayed before me that an award may be passed in terms of the settlement as filed. Since the terms of settlement are beneficial to the parties, the same is accepted. Accordingly, I pass the award in terms of the settlement which do form a part of the award.

J. P. SINGH, Presiding Officer  
[No. L-27011/1/78-D. III. (B)]

1205 GI/80—15

**Memorandum of Settlement**

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. II AT DHANBAD**

**Reference No. 4 of 1978**

Employees in Relations to the Management of Gore Magnetite Project of M/S. BCCL.

**AND**

Their workmen

The parties beg to state as follow :

1. That the Industrial Dispute raised by the workmen of Gore Magnetite Project through their union Palamau Khan Mazdoor Sangh, a reference was made to this Hon'ble Central Govt. Industrial Tribunal No. II at Dhanbad which is registered as Reference No. 4 of 1978. The terms of reference is as follows :

"Whether the demand of the workmen of Gore Magnetite Project of M/S. Bharat Coking Coal Ltd., Redma, Daltanganj, P.O. & Dist. Palamau for payment of wages and fixation of workload for piece-rated workers at par with workers of Coal Mines as per National Coal Wage Agreement dated 11-12-1974 is justified ? If not, what rates of wages the workmen are entitled and from what date and what should be workload for general/piece-rated mazdoors in relations to the piece-rated wages ?"

2. That the management as well as their union concerned have since filed their written statement and rejoinders and have also filed documents on which they would like to rely.

3. That while the matter was under adjudication and under mutual discussion with the Palamau Khan Mazdoor Sangh, the Rastriya Colliery Mazdoor Sangh made a petition to the Hon'ble Tribunal for being impleaded as party to this reference on the ground that a large number of workmen now owe allegiance to their union. The tribunal was pleased to make the RCMS as a party to this reference.

4. That in the meantime with a view to maintain cordial industrial relations, the parties further discussed the matter mutually on a number of occasions to resolve the dispute and after several rounds of discussions, it was agreed that since Magnetite Ore is also Iron Ore, the wage structure and workload of piece-rated workers applicable for Iron Ore Mines, of M/S. IISCO Ltd. another Govt. company in terms of agreement dated 23-7-1977 between the management of IISCO and their workmen may be adopted.

4.1 That, the wage and workload applicable to the piece-rated workmen in Gore Magnetite Project is annexed herewith and marked Annexure-A.

4.1.1 In addition it has been agreed that the piece-rated workers will get lead and lift allowance in accordance with the prevailing practice of the employers (BCCL) as per Annexure-B considering the nature of the mining involved.

4.1.2 The piece-rated workmen will be entitled to fall back wages at the rate of 80 per cent of basic wages plus full DA and VDA of equivalent time-rated category of workers in case they fail to fulfil the work norms on account of factors for which they are not responsible. No fall back wage is however, payable if the workman fails to fulfil the work norms due to his own faults.

There will be weekly review of earnings of piece-rated workers to ensure payment of fall back wages as laid down in para-18 of Bi-partite Agreement dated 23-7-1977 between M/S. IISCO Ltd. and their workmen.

4.2 That, the wage scale as applicable to the monthly rated clerical staff and other time-rated categories of workmen in Gore Magnetite Project is attached herewith and marked as Annexure C.

5. That, it is further agreed that fixed DA and VDA will be paid in addition to the basic rate of wages in accordance with para 10 and 11 of the settlement between the M/s. IISCO Ltd. and their workmen for the time being.

6. It is agreed that the wage structure and workload of piece-rated workmen as agreed to and finalised in accordance with the memorandum of agreement dated 23-10-1980 between the Indian Iron and Steel Co. Ltd. and their workmen represented by Gua Mines Workers' Union (INTUC) revising the wage structure with effect from 1-4-1979 will be applicable to the workmen of Gore Magnetite Project with effect from the same date.

7. That, the agreement will be effective from 1-1-1979 and arrear payment in implementation of this agreement shall be made within three months from the date of this agreement.

8. That, the agreement being both fair and reasonable the parties herein pray that this Hon'ble Tribunal may be pleased to accept the same and pass an Award in terms hereof.

Dated : Dhanbad,.....1980.

For and on behalf of the workmen :

H. N. Singh, Vice-President, Koyla Ispat Mazdoor Panchayat  
Satya Pal Verma, President, Palamau Khan Mazdoor Sangh, Daltanganj.

B. M. P. Singh, Genl. Secretary, Palamau Khan Mazdoor Sangh, Daltanganj.

S. Dasgupta Jr., Secretary, RCMS

Shankar Bose, Secretary, RCMS

For and on behalf of the management,  
S. K. CHOUDHARY, General Manager (Personnel) BCCL.

#### ANNEXURE 'A'

#### BHARAT COKING COAL LIMITED GORE MAGNETITE PROJECT MAGNETITE MINE PIECE-RATED WAGE RATE

Category	Designation	Work load	Basic pay	Fixed DA	VDA per point
R1	Minor	(a) 2(two tonne) per day	Rs. 5.674 per tonne	Re. 0.75 per tonne	1.30 × (increase in price Index—269)
		(b) Sizing to—2"(—50.6 mm) (Two tonne) per day.	Rs. 5.674 per tonne	Re. 0.75 per tonne	1.30 × (Increase in price Index—269)
R2	Hand Driller	8 feet per day (Magnetite)	Rs. 1.49 per feet	Re. .188 per feet	-do-
		10 feet per day (Hard stone)	Rs.1.150 per feet	Re. .150 per feet	-do-
		12 feet per day (Soft Stone)	Re. 0.996	Re. 0.125 per feet	-do-
R1	Earth Cutter	(i) Earth cutting 74 cft per day	Rs. 16.30 per 100 cft	Rs. 2.02 per 100 cft	-do-
		(ii) Stone (soft) 57 cft	Rs. 19.13 per 100 cft	Rs. 2.52 per 100 cft	-do-
		(iii) Stone (Hard) 40 cft	Rs. 28.75 per 100 cft	Rs. 3.75 per 100 cft	-do-

#### ANNEXURE 'B'

#### BHARAT COKING COAL LIMITED GORE MAGNETITE PROJECT LEAD & LIFT Piece-Rated Wage as per NCWA-II--1-1-79 LEAD (For one tonne)

Distance	Rate
1	2
(a) 0 to 50 cft.	Nil
51 to 100 ft.	Re. 0.447
101 to 150 ft.	Rs. 1.342
151 to 200 ft.	Rs. 2.336
201 to 250 ft.	Rs. 3.195
Over 250 for every 50 ft.	Rs. 1.392
(b) LIFT for one tonne	
0 to 10'	Nil
11' to 15'	Re. 0.447
16' to 20'	Re. 0.846
21' to 25'	Rs. 1.342
Over 25' for every 5' ft.	Re. 0.895

1	2
(c) O.B. LEAD	
First 100'	
first	Nil
Over first 100' for every 50' or part	Rs. 13.03 for 1000 cu. ft.
D.B. LIFT	
First 10'	Nil
Over first 10' for every 5' or part	Rs. 6.50 for 1000 cu. ft.
TUB pushing for 40.5 cft. LEAD 100'	Nil
Over 100' for every 50 ft.	Re. 0.54
LIFT	
10 feet	Nil
Over 10' for every 5' or part	Re. 0.27

## ANNEXURE —'C'

Designation and Gradewise position of Gore  
Machetite Project's workers

Sl. No.	Designation	Grade	Scale of pay
1	2	3	4
1.	Mazdoor (male/female)	OM-1	Rs. 400-8-488
2.	Valyman	OM-1	-do-
3.	Sweeper	OM-1	-do-
4.	Crech Yeys	OM-1	-do-
5.	Canteen Mazdoor	OM-1	-do-
6.	Water Carrier	OM-1	-do-
7.	Kitchen Servant	OM-1	-do-
8.	Kali/Lab. Mazdoor	OM-1	-do-
9.	Carpenter Helper	OM-2	410-8-455-10-525
10.	Survey Helper	OM-2	-do-
11.	Co-pressor Helper	OM-2	-do-
12.	Pump Khalasi	OM-2	-do-
13.	Compressor Khalasi	OM-2	-do-
14.	Motor Helper	OM-2	-do-
15.	Store Helper	OM-2	-do-
16.	Line Gang Khalasi	OM-2	-do-
17.	Gang Kalasi	OM-2	-do-
18.	Lab. Mazdoor	OM-2	-do-
19.	Cook (Canteen/Crech/ Guest House)	OM-2	-do-
20.	Explosive Carrier	OM-3	425-11-480-12-492½ 13-570
21.	Blaster (without Certificate)	OM-3	-do-
22.	Chainman	OM-3	-do-
23.	Fitter Attendant	OM-3	-do-
24.	Tyndal Khalasi	OM-3	-do-
25.	Chaprasi (peon)	OM-3	-do-
26.	Watchman/Guard/ Chowkidar	OM-3	-do-
27.	Hammerman	OM-3	-do-
28.	Blacksmith	OM-4	440-14-510-15-615
29.	Carpenter	OM-4	-do-
30.	Leading Supervisor	OM-4	-do-
31.	Line Mistry	OM-4	-do-
32.	Store Issuer	OM-4	-do-
33.	Daftary	OM-4	-do-
34.	Mining Supervisor	OM-5	460-16-604-17-655
35.	Blaster (Pusaon)	OM-5	-do-
36.	Fitter Gr. I (Pipe)	OM-5	-do-
37.	Jack Hammer Driller	OM-5	-do-
38.	Drill Mech. Fitter	OM-5	-do-
39.	Mech. Driller	OM-5	-do-
40.	Wireman	OM-5	-do-
41.	Trained Dai	OM-5	-do-
42.	Trained Crech Incharge	OM-5	-do-
43.	Duplicating Mech. per	OM-5	-do-
44.	Hawilder	OM-5	-do-
45.	Driver (Motor/Jeep/ Truck/Bus)	OM-6	480-16-606-19- 625-20-705
46.	Dining Asstt.	OM-6	-do-
47.	Shoval Operator	OM-6	-do-
48.	Nurse/Midwife	OM-6	-do-
49.	Asstt. Sanitary Incharge	OM-6	-do-
50.	Electrician	OM-7	500-21-584-22-760
51.	Compounder/Dresser	OM-7	-do-
52.	Sample Supervisor	OM-7	-do-
53.	Mining Mate (Pasad)	OM-8	530-24-674-26-830
54.	Explosive Incharge	OM-8	-do-

1	2	3	4
55. Asstt. Chemist	OM-10	600-30-864-34-1000	
56. Mine Foreman	OM-11	660-34-728-35-868- 27-1090	
57. Mining Foreman	OM-12	740-40-940-42-1150	
1. Saml Clerk	OC-1	430-19-525-20-685	
2. Canteen Supervisor	OC-II/III	460-25-635-30-845/ 460-25-635-30-905	
3. Time Keeper	-do-	-do-	
4. Attendance Clerk	-do-	-do-	
5. Asstt. Store Keeper	-do-	-do-	
6. Typist	-do-	-do-	
7. Bill Clerk	OC-3	-do-	
8. Bonus Clerk	OC-4	Rs. 550-30-700-35- 1015	
9. P.F. Clerk	OC-4	-do-	
10. Cashier	OC-4	-do-	
11. Store Keeper	OC-4	-do-	
12. Accounts Clerk	OC-4	-do-	
13. Labour Supervisor	OC-4	-do-	
14. Stenographer	OC-4	-do-	
15. Head Clerk	OC-5	Rs. 700-40-940-42- 1150	
16. Accountant	OC-5	-do-	
17. Office Superintendent	OC-5	-do-	

S.O. 413.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad in the industrial dispute between the employers in relation to the management of Stone Quarries at Jamalpur and their workmen, which was received by the Central Government.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL

TRIBUNAL (No. 2) DHANBAD

Reference No. 10 of 1980

In the matter of an industrial dispute under S. 10 (1) (d) of the I. D. Act, 1947.

PARTIES :

Employers in relation to the managements of Stone Quarries at Jamalpur.

AND

Their workmen.

APPEARANCES :

On behalf of the employers.—Shri Gurumal, President, Stone Quarry Owners Association, Monghyr.

On behalf of the workmen.—The General Secretary, Monghyr Zila Pathar Tor Mazdoor Sangh, P. O : Jamalpur, Monghyr.

STATE : Bihar. INDUSTRY : Stone Quarry.  
Dhanbad, 20th November, 1980

AWARD

This is a reference under S. 10 of the I. D. Act, 1947. The Central Government by its notification No. L-29011/63/79-D. III. B dated 28-6-80 has referred this dispute to this Tribunal for adjudication on the following terms :

SCHEDULE

"Whether the following demands of the workmen of the quarries of the employers mentioned below are justified ? If so, to what relief the said workmen are entitled and from what date :

- (1) Upwards revision of rates of wages pertaining to various categories of workers/workmen engaged in stone breaking loading and other quarrying operations.
- (2) Payment of full wages on 3 National holidays on 26th January (Republic Day), 15th August (Independence Day) and 2nd October (Mahatma Gandhi Birth day).
- (3) Change in mode of payment and conversion of wage period from daily to weekly."

#### LIST OF EMPLOYERS

1. M/S Hirdumal Mineral Corpn., D. D. Tulsi Road, Jamalpur (Monghyr).
2. M/S Jiwani Engg. Work, D. D. Tulsi Road, Jamalpur (Monghyr).
3. Shri Munshi Ram, Sadar Bazar, Jamalpur (Monghyr).
4. Shri Diwan Chand, Sadar Bazar Jamalpur (Monghyr).
5. Srimati Subhagi Bai Lalu Pokhar (Monghyr).
6. Sri Ghurna Mal, D. D. Tulsi Road, Jamalpur.
7. Shrimati Nanki Devi, Bari Bazar, Monghyr.
8. Shri A. K. Sinha, D. D. Tulsi Road, Jamalpur (Monghyr).
9. Sri Manohar Maharaj, D. D. Tulsi Road, Jamalpur (Monghyr).
10. Shri P. N. Sinha, Lal Darwaja, (Monghyr).
11. Sri Arun Chandra Sinha, Lal Darwaja, (Monghyr).
12. Shri Binod Kedia, Station Road, Jamalpur, (Monghyr).
13. Shri Mazindra Singh, Albert Road, Jamalpur (Monghyr).
14. Shri Muzafir Choudhury, Lakshmanpu, P. O. Jamalpur (Monghyr).
15. Mohan Mondal, Lakshmanpur, P. O. Jamalpur (Monghyr).
16. Sri Shahdeo Pal, Lakshmanpur, P. O. Jamalpur (Monghyr).

2. After receipt of the reference written statements were filed by both the parties. The reference thereafter proceeded along its course and ultimately on 18-11-80 a memorandum of settlement was filed by the parties incorporating therein the terms of settlement arrived at between them in respect of the industrial dispute pending for adjudication in this Tribunal. As per the settlement the management has agreed to pay at present an increment of 10 per cent on the running wages of the employees. The management has further agreed to pay the leave wages of the 3 National holidays as per the demand of the workmen in the schedule I have gone through the settlement and heard the parties. Since the settlement is beneficial to both the parties, I accept the same. Accordingly, I pass the award in terms of the settlement, which do form part of the award.

J. P. SINGH, Presiding Officer.

[No. L-29011/63/79-D. III (B)]

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD

In the matter of a reference under section 10 of the Industrial Disputes Act, 1947.

(Ministry order No. L-29011/63/79-D. IIIB dated 26th JUNE, 1980)

#### Reference No. 10 of 1980.

#### PARTIES :

Employers in relation to the managements of stone quarries at Jamalpur.

#### AND

Their workmen represented by the General Secretary, Monghyr Zila Pather Tor Mazdoor Sangh, Nayagaon, P. O. Jamalpur, Monghyr.

**MEMORANDUM :** of mutual settlement between the managements of 18 stone quarries of Jamalpur area to the District of Monghyr (Bihar) represented through stone Quarry Owners Association, 119 D D Tulsi Road, Jamalpur and their workmen represented by the Zilla Pather Tor Mazdoor Sangh Nayagaon, N. O. Jamalpur in the District of Monghyr in the matter of revision of wage rates of the workmen employed in the stone quarries arrived in the course of above reference case No. 10 of 1980 Pending for adjudication before the Central Government Industrial Tribunal No. 2 at Dhanbad has been finalised as per terms of settlement as noted below :—

Parties Present : Representing the Employer, List enclosed :  
1. for Stone Quarry Owner Association, Monghyr. sd/- Gurnamal 16-11-80 President

2. for Stone Quarry owners Association Monghyr. sd/G. K. Singh Joint Secretary.

Representing the Workmen :—1. sd/-Baleshwar Sahu Maha Mantry Monghyr Zila Pather Tor Mazdoor Sangh Jamalpur (Monghyr)

2. sd/- Ram Swaroop Paswan Sahayak Maha Mantry.

Whereas reference has been made under section 10 of the Industrial dispute Act, 1947 at the instance of the worker represented by the General Secretary, Shri Baleshwar Sahu of Monghyr Zila Pather Tor Mazdoor Sangh, Nayagaon, Jamalpur and the Employers in relation to the management of Stone Quarries at Jamalpur and the matter is pending for adjudication at present, the parties agreed to inter into mutual settlement on the following terms and the matter has been finalised.

#### Terms of Settlement

(1) Employers agree to pay to their workmen detailed below :

(A) That it is learnt that the Government is going to increase @ 15. per cent on labourers wage although it has not been declared as yet, even then the management agree to pay at present an increment of @ 10 per cent on the running wage further rest @ 5 per cent increment will be given by the management on final notification of Government.

(B) That it is agreed upon to pay the leave wages of national holidays such as 26th January, 15th August, and 2nd October to be given from the year 1981.

(C) So far the change in mode of payment from daily to weekly is concerned it has been mutually agreed upon by both the parties that this point is kept in view for consideration in the year 1982.

(D) That every thing being the same it has been decided that no such fresh demand for upward revision of wage will be placed before the managements till Dec.. 1981. Under the above circumstances, the present reference case no. 10 of 1980 be disposed of in terms of the above mutual settlement be made part of the award of the matter pending before your Hon'ble Tribunal court.

## SCHEDULE OF RATES

Name of materials with size	Measurement of boxes if any	At present piece rates of wages	Rate of increment	Increased or revised rates
Ballast 2" Down within Rail Track	25" x 25" x 25"	Rs. 1.75 per box	10%	Rs. 1.93 per box.
Ballast 2" down out side the rail track	-do-	Rs. 2.00 per box	10%	Rs. 2.20 per box.
Chips 1" down outside Boulder breaking	15" x 15" x 15"	Rs. 1.00 per box.	10%	Rs. 1.10 per box.
drilling by worker	100 nos. of 40 kg. to 55 kg.	Rs. 16.00%	10%	Rs. 17.60 per % no.
Boulder breaking drilling by Deptt.	100 nos.	Rs. 8.00 to 10.00 per % No	10%	Rs. 8.80 to 11.00 per % no.
Hole drilling	per rft.	1.50 per rft.	10%	Rs. 1.65 per rft.
Wagon loading Height as per Rly. rule				
General wagon loading with Ballast & Boulder	20 to 22 tons capacity	Rs. 22.00 per wagon	10%	Rs. 24.20 per wagon.
Box Wagon loading with Ballast	47 to 55 tons capacity	Rs. 55.00 per wagon	10%	Rs. 60.50 per wagon.
Box wagon lading with Boulder	47 to 55 tons capacity	Rs. 50.00 per wagon	10%	Rs. 55.00 per wagon.

for Stone Quarry owners Association

Monghyr.

sd/- Gurnamal

16-11-80

President

sd/- Baleshwar Sahu

Maha Mantry 16-11-80

Monghyr Zilla Pather Tor Mazdoor Sangh

Jamalpur Monghyr, (Bihar)

## Name of the Employers :

1. Shri Gurna Mal.
2. Shri Munshi Ram.
3. M/s. Hirdu Mal Mineral Corporation.
4. Sri A. K. Singh.
5. M/s. Jiwanai Engineering Works.
6. Sri Diwan Chand & Brothers.
7. Srimati Subhagi Bai.
8. Smt. Nanki Devi.
9. Sri Manohar Maharaj.
10. Sri P. N. Sinha.
11. Sri Arun Chandra Sinha.
12. Sri Musafir Choudhary.
13. Sri Sahdeo Pal.
14. Sri Mohan Mandal.

For Stone Quarry Owners Association Monghyr

sd/-Gurna Mal 16-11-80 President

sd/-Baleshwar Sahu 16-11-80 Maha Mantry Monghyr Zilla Pather Tor Mazdoor Sangh Jamalpur (Bihar)

## BEFORE SHRI MAHESH CHANDRA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, NEW DELHI

I. D. No. 64 of 1980

The Office Secretary, Rasrtiya Mazdoor Sangh, Ramganjmandi, District Kota, Rajasthan ...Petitioner

Versus

Shri Sultan Akhtar, Mine Owner, P. O. Ramganjmandi, Distt. Kota, Rajasthan ...Respondent

## AWARD

The Central Govt. as appropriate Govt. referred an Industrial Dispute u/s 10 of the I. D. Act, 1947 vide its Order No. L-29011/22/80-D.III.B dated the 7th July, 1980 in the following terms :

'Whether the following demands of the workers employed in the Lime Stone of Mine of Shri Sultan Akhtar Mine Owner, Post Office Ramganjmandi, Distt. Kota are justified ? If so, to what relief the workmen are entitled ?

1. Rationalisation and introduction of suitable pay scales for the clerical and other staff employed in the mine.
2. Provision of medical facilities.
3. Grant of the extra paid festival holidays.
4. Grant of 20 days casual leave in addition to leave admissible under the Mines Act.'

2. On receipt of the reference it was ordered to be registered and usual notices were sent to the parties, whereupon parties representatives appeared and requested that the parties have amicably settled the dispute and filed the settlement.

S.O 414.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal-cum-Labour Court, New Delhi in the industrial dispute between the employers in relation to Shri Sultan Akhtar, Mine Owner, Ramganjmandi and his workmen, which was received by the Central Government.

Ex. S/1. The statement of parties representatives was recorded today which reads as under :

'We have amicably settled the dispute and now no dispute is left between the parties. A no dispute award be made in the reference.'

3. In view of the statement recorded above I perused the settlement Ex.S/1 and find that it is in the benefit of the workmen and a no dispute award is hereby made in this reference leaving the parties to bear their own costs. The settlement Ex. S/1 would form part of this award.

#### Further Ordered

This requisite number of copies of this award may be sent to the appropriate Govt. for necessary action at their end.

[No. L-19021/22/80-D. III (B)]

Dated : 29th September, 1980.

MAHESH CHANDRA. Presiding Officer

#### समझौता-पत्र

फार्म "एच"

(देखिये नियम 58)

दिनांक 12-9-80

प्रबन्धक प्रतिनिधि	श्री सुल्तान अख्तर भाई साईम स्टोन खदान मालिक नयां गांव मुकाम रामगंज मण्डी जिला कोटा (राज०)
यूनियन प्रतिनिधि	1 श्री स्वाधीन कुमार शर्मा अध्यक्ष, राष्ट्रीय मजदूर संघ रामगंजमंडी 2 श्री गौरीशंकर बैमला महामंत्री, राष्ट्रीय मजदूर संघ रामगंजमण्डी जिला कोटा (राजस्थान)

#### विवाद का संक्षिप्त विवरण

राष्ट्रीय मजदूर संघ (इन्टक) रामगंजमण्डी द्वारा अपने पत्र क्रमांक 331/1979 दिनांक 25/10/79 को एक 17 सूत्रीय मांग पत्र दिया गया था। जिसका खदान मालिक ने कोई मन्ताव प्रव जवाब नहीं दिया, संघ द्वारा इस मांग पत्र को सहायक श्रम आयुक्त (केन्द्रीय) कोटा को औद्योगिक विवाद अधिनियम सन् 1947 के अन्तर्गत भेज दिया गया और निवेदन किया गया कि इस विवाद को रजिस्टर्ड करके समझौता कार्यवाही करने की प्रार्थना की गई। श्री मास सहायक श्रम आयुक्त (केन्द्रीय) कोटा ने मांग पत्र पर समझौता बार्ता हेतु दोनों पक्षों को अपने पत्र क्रमांक 5(72)179-5 दिनांक 11/12/79 के द्वारा दिनांक 23/1/80 को ए० एस० आई० रामगंजमण्डी में बुलाया लेकिन कोई समझौता नहीं हो सका तो, अवर, सचिव, श्रम विभाग, भारत सरकार को भिजवा दिया और विवाद को श्रम न्यायालय में भेज दिया गया। दोनों पक्षों में औद्योगिक शांति बनाये रखने हेतु निम्न समझौता सम्पन्न किया गया।

1. मांग नं० 1 पर विचार विमर्श किया गया और तय पाया कि खान सातलखेड़ी पर कुली, बेलदरो (अकुशल श्रमिकों) को 6/60 के स्थान पर 7 मास ठपया प्रतिदिन दिन के हिसाब से मजदूरी भुगतान दिनांक 1-5-80 से की जाएगी।

2. मांग नं० 2 पर विचार विमर्श किया और तय पाया कि खान सातलखेड़ी पर पत्थर कटाई पर 8 घाठ रुपया के स्थान पर 8/75 आठ रुपया पिच्छर पैसा के हिसाब मजदूरी भुगतान दिनांक 1-5-80 से की जावेगी।

3. मांग नं० 3 पर तय पाया कि दोनों पक्षों की सहमति से शीघ्र ही स्थाई कर्मचारियों के ग्रेड बना दिये जावेंगे।

4. मांग नं० 4 पर तय पाया कि खदान मालिक द्वारा, अप्रैल 80 से ही स्थाई कर्मचारियों के वेतन में वृद्धि कर दी गई है। और प्रागामी अप्रैल से ही नये ग्रेड के अनुसार वेतन में बढ़ोतरी कर दी जावेगी।

5. मांग नं० 5 पर तय पाया कि जिन कर्मचारियों को लगातार 6 माह से अधिक समय कार्य करते हुये हो गया है। उन्हें स्थाई करके नियुक्ती पत्र। एक माह के अन्तर-अन्तर दे दिया जावेगा।

6. मांग नं० 6 पर तय पाया कि बैज स्लीप के स्थान पर माह अक्टूबर सन् 1980 से ही डायरिया बनाकर दे दी जावेगी।

7. मांग नं० 7 पर विचार किया गया और, तय पाया कि खदान पर एकसीडेंट होने पर ट्रक व जीप की ममुचित व्यवस्था कर दी जावेगी, अभी हाल किलहाल एम्बुलेन्स गाड़ी की व्यवस्था नहीं की जा सकती जिसको यूनियन प्रतिनिधियों ने मान लिया।

8. मांग नं० 8 पर विचार विमर्श हुआ और तय पाया कि राज्य सरकार से दोनों पक्ष लिखा पड़ी करके मजदूरों को सम्मान गन्ना दिवाने का प्रयास करेंगे।

9. मांग नं० 9 पर विचार विमर्श हुआ और तय पाया कि खानों पर तथा श्रमिक बस्ती में शीघ्र ही पीने के पानी का नल लगाकर समुचित व्यवस्था कर दी जावेगी।

10. मांग नं० 10 पर विचार विमर्श हुआ और मालिकों ने बताया कि खान पर दवाईयों की व्यवस्था कर रखी है।

11. मांग नं० 11 पर तय पाया कि खदान में जो भी सुपरवाइजर 6 माह से अधिक समय से कार्य कर रहे हैं। उनको स्थाई कर लिया जावेगा। एवं उनका ग्रेड संघ की महमति से बना दिया जावेगा तथा उनको भी स्थाई कर्मचारियों की जो सुविधाएं दी जा रही है। वह दी जावेगी।

12. मांग नं० 12 पर तय हुआ कि खदान मालिक 7 सात राष्ट्रीय व स्थावरिक छुट्टियां सवेतन दे रहे हैं। फिर भी, एक छुट्टी रखा बगधन की और सवेतन बढ़ा दी जावेगी।

13. मांग नं० 13 पर तय पाया कि शीघ्र ही एक ट्रेड कम्पाउन्डर की व्यवस्था खदान के अस्पताल पर कर दी जावेगी।

14. मांग नं० 14 पर तय पाया कि खदान आफिस व रामगंजमण्डी हेड आफिस में कार्य करने वाले सभी कर्मचारियों को वर्ष में एक माह की पी० एल० छुट्टियां व 20 दिन की सी०एल० छुट्टियां दी जाएगी। यदि किसी कर्मचारी की पी० एल० छुट्टियां जमा रहेगी। तो उसका वेतन वर्ष समाप्ति के बाद भुगतान कर दिया जावेगा।

15. मांग नं० 15 पर विचार विमर्श किया गया और मालिक ने बताया कि सन् 1978 व सन् 1979 (1 अप्रैल से 31 मार्च) तक का प्राय व्यय के अंदर के अनुसार 10 प्रतिशत बोनस भुगतान किया गया है। जिसमें संघ के प्रतिनिधि सहमत है।

16. मांग नं० 16 पर तय पाया कि खदान में कार्य करने वाले स्टोन कटर कारीगरों को 1 एक माह में अच्छी किस्म के वेश्में मंगवा दिये जावेगे।

17. मांग नं० 17 पर विचार विमर्श हुआ और तय पाया कि प्रत्येक खदान से 4 चार कारीगर कुली, बेलदार मिलाकर राजस्थान भ्रमण पर जावेगे। तथा यात्रा का खर्चा 200 रुपया प्रति व्यक्ति को खदान मालिक यात्रा से पहले सप् में जमा करावेगे।

इस समझौते की नित्य से 1 एक माह के अन्दर प्रस्तुत कर दिया जावेगा, यह समझौता दोनों पक्षों ने अग्रे औद्योगिक सम्बन्ध बनाये रखने के लिये किया है। यह समझौता दिनांक 1-5-80 से प्रभावी होगा।  
हस्ताक्षर खदान मालिक प्रतिनिधि  
(मुखान अखतर भाई)  
लाईम स्टोन खदान मालिक नया गांव  
रामगंजमण्डी

हस्ताक्षर यूनियन प्रतिनिधि  
1 स्वाधीन कुमार शर्मा  
अध्यक्ष  
राष्ट्रीय मजदूर संघ,  
रामगंजमण्डी  
2 गौरीशंकर बैसला  
जनरल सेक्रेटरी  
राष्ट्रीय मजदूर संघ,  
रामगंजमण्डी

1 गवाह

2 गवाह

हस्ताक्षर

हस्ताक्षर

**S.O. 415.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal-cum-Labour Court, New Delhi, in the industrial dispute between the employers in relation to M/s. Raj Flooring Stone Company, Mine Owner, P. O. Ramganjmandi, District Kota and their workmen, which was received by the Central Government.

BEFORE SHRI MAHESH CHANDRA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, NEW DELHI

**I. D. No. 65 of 1980**

The Office Secretary, Rashtriya Mazdoor Sangh, Ramganjmandi, District Kota ...Petitioner

Versus

M/s. Raj Flooring Stone Company, Mine Owner, P. O. Ramganjmandi, District Kota ...Respondent

### AWARD

The Central Govt. as appropriate Govt. referred an Industrial Dispute u/s 10 of the I. D. Act, 1947 vide its order No. L-29011/23/80-D III.B dated the 7th July, 1980 in the following terms :

'Whether the following demands of the workers employed in the Lime Stone Mine of M/s. Raj Flooring Stone Company, Mine Owners, Post Office Ramganjmandi, District Kota are justified ? If not, to what relief the workmen are entitled ?

1. Rationalisation and introduction of suitable pay scale for the clerical and other staff employed in the mine;
2. Provision of medical facilities.
3. Grant of 20 days casual leave in addition to leave admissible under the Mines Act.'

2 On receipt of the reference it was ordered to be registered and usual notices were sent to the parties. Whereupon parties representatives appeared and submitted that the parties have amicably settled the dispute and filed the settlement Ex. S/1. The statement of parties representatives was recorded today which reads as under :

'We have amicably settled the dispute and now no dispute is left between the parties. A no dispute award be made in the reference.'

3. In view of the statement recorded above I perused the settlement Ex. S/1 and find that it is for the benefit of the workmen and a no dispute award is hereby made in this reference leaving the parties to bear their own costs. The settlement Ex. S/1 would form part of this award.

### Further Ordered :

That requisite number of copies of this award may be sent to the appropriate Govt. for necessary action at their end.

MAHESH CHANDRA, Presiding Officer

Dated : the 29th September, 1980.

[No. L-29011/23/80-D. III (B)]

समझौता-पत्र

फार्म "एच"

(देखिये नियम 58)

दिनांक 12-9-80

प्रबन्ध प्रतिनिधि

श्री सच्ची ग्रहमद

मैनेजिंग पार्टनर

मैसर्स राज फ्लोरींग स्टोन कम्पनी

लाईम स्टोन खदान मालिक सातलखेड़ी

मुकाम रामगंजमण्डी, जिला कोटा

यूनियन प्रतिनिधि

1. श्री स्वाधीन कुमार शर्मा

अध्यक्ष, राष्ट्रीय मजदूर संघ

रामगंजमण्डी, जिला कोटा (राजस्थान)

2. श्री गौरीशंकर बैसला

महामंत्री, राष्ट्रीय मजदूर संघ

रामगंजमण्डी, जिला कोटा (राजस्थान)

विवाद का संक्षिप्त विवरण

राष्ट्रीय मजदूर संघ (इन्टक) रामगंजमण्डी द्वारा अपने पत्र क्रमांक 310/1979 दिनांक 24-10-79 को एक 17 सूत्रीय मांग पत्र दिया गया था। जिसका खदान मालिक ने कोई संतोष प्रद जवाब दिया, संघ द्वारा इस मांग पत्र की सहायक श्रम आयुक्त (केन्द्रीय) कोटा को औद्योगिक विवाद अधिनियम सन् 1947 के अन्तर्गत भेज दिया गया और निवेदन किया गया है कि इस विवाद को रजिस्टर्ड करके समझौता कार्यवाही करने की प्रार्थना की गई। श्रीमान सहायक श्रम आयुक्त (केन्द्रीय) कोटा ने मांग पत्र पर समझौता बार्ता हेतु दोनों पक्षों को अपने पत्र क्रमांक 5(69) 79-5 दिनांक 11-12-79 के द्वारा दिनांक 24-1-80 को ए० एम० आई० स्तर रामगंजमण्डी में बुलाया लेकिन कोई समझौता नहीं हो सका तो अवर सचिव, श्रम विभाग, भारत सरकार को भिजवा दिया और विवाद को श्रम न्यायालय में भेज दिया गया। दोनों पक्षों में औद्योगिक शांति बनाये रखने हेतु निम्न समझौता सम्पन्न किया गया।

1. मांग न० 1 पर विचार विमर्श किया गया और तय पाया कि खान सातलखेड़ी पर कुली, बैलचारी (अकुशल धमिको) को 6/60 के स्थान पर 7/- रुपया प्रतिदिन के हिसाब से मजदूरी भुगतान दिनांक 1-5-80 से की जावेगी।

2. मांग न० 2 पर विचार विमर्श किया और तय पाया कि खान सातलखेड़ी पर पत्थर कटाई करने वाले करीगरो (स्टोन कटर) को 107 वर्ग फुट पत्थर कटाई पर 8/- (आठ रुपया) के स्थान पर 8/75 (आठ रुपया पच्चीस पैसे) के हिसाब से मजदूरी दिनांक 1-5-80 से भुगतान की जावेगी।

3. मांग न० 3 पर तय पाया कि दोनों पक्षों की सहमति से जीएच ही स्टाई कर्मचारियों के ग्रेड बना दिये जायेंगे।

4. मांग न० 4 पर तय पाया कि खदान मालिक द्वारा 1 अप्रैल, 1980 से ही स्टाई कर्मचारियों के वेतन में वृद्धि कर दी गई। और आगामी अप्रैल से ही नये ग्रेड के अनुसार वेतन बढ़ोतरी कर दी जावेगी।

5. मांग नं० 5 पर तय पाया कि जिन कर्मचारियों को लगातार 6 माह से अधिक समय कार्य करते हुये हो गया है, उन्हें स्थाई करके नियुक्त पक्ष एक माह के अन्दर-अन्दर दे दिया जावेगा।

6 मांग नं० 6 पर तय पाया कि बेज स्लिप के स्थान पर माह अक्टूबर सन् 1980 से ही डायरियां बनाकर दे दी जावेंगी।

7. मांग नं० 7 पर विचार किया गया और तय पाया कि खदान पर एक्सीडेंट होने पर ट्रक व जीप की समुचित व्यवस्था कर दी जावेगी, इसी हाल फिलहाल एम्बुलेंस गाड़ी की व्यवस्था नहीं की जा सकती जिसको यूनियन प्रतिनिधियों ने मान लिया।

8. मांग नं० 8 पर विचार विमर्श हुआ और तय पाया कि राज्य सरकार से दोनों पक्ष लिखा पढ़ी करके मजदूरों को सम्ना गन्ता दिलाने का प्रयास करेंगे।

9. मांग नं० 9 पर विचार-विमर्श हुआ और तय पाया कि खानों पर तथा श्रमिक बस्ती में शीघ्र ही पीने का पानी की नल लगाकर समुचित व्यवस्था कर दी जावेगी।

10. मांग नं० 10 पर विचार हुआ और मालिकों ने बताया कि खान पर दवाइयों की व्यवस्था कर रक्खी है।

11. मांग नं० 11 पर तय पाया कि खदान में जो भी सुरक्षा इंजन 6 माह से अधिक समय से कार्य कर रहे हैं उनको स्थाई क. निगम जावेगा एवं उनका ग्रेड संघ की सहमति से बना दिया जावेगा तथा उनको भी स्थायी कर्मचारियों को जो सुविधाएँ दी जा रही हैं, वह दी जावेगी।

12. मांग नं० 12 पर तय हुआ कि खदान मालिक 7 (सात) राष्ट्रीय व स्थानीय छुट्टियां सबेलेन दे रहे हैं। फिर भी 1 (एक) छुट्टी रक्षा बन्धन की और सबेलेन बढ़ा दी जावेगी।

13. मांग नं० 13 पर तय पाया कि शीघ्र ही एक ट्रेड कम्पाउन्डर की व्यवस्था खदान के अस्पताल पर कर दी जावेगी।

14. मांग नं० 14 पर तय पाया कि खदान आफिस व रामगंजमंडी हेड आफिस में कार्य करने वाले सभी कर्मचारियों को वर्ष में 1 एक माह की पी०एल० छुट्टियां व 20 दिन की सी०एल० छुट्टियां दी जावेगी। यदि किसी कर्मचारी को पी०एल० छुट्टियां जमा रहेंगी, तो उसका वेतन वर्ष समाप्ति के बाद भुगतान कर दिया जावेगा।

15. मांग नं० 15 पर विचार-विमर्श किया गया और मालिक ने बताया कि सन् 1978 व सन् 1979 (1 अप्रैल से 31 मार्च) तक का प्राय-व्यय के ब्योरे के अनुसार 10 प्रतिशत बोनस भुगतान किया गया है। जिसमें संघ के प्रतिनिधि सहमत हैं।

16. मांग नं० 16 पर तय पाया कि खदान में कार्य करने वाले स्टोन कटर कारीगरों को (एक) 1 माह में अग्रे किस्म के सबसे मगदा दिये जावेंगे।

17 मांग नं० 17 पर विचार-विमर्श हुआ और तय पाया कि प्रत्येक वर्ष में खदान से 6 कारीगर, बेलदार, कुली मिलाकर राजस्वान भ्रमण पर जावेंगे तथा यात्रा का खर्चा 200 रुपये प्रति व्यक्ति को खदान मालिक यात्रा से पूर्व संघ में जमा करावेगे।

इस समझौते के आधार पर जो भी भुगतान बाकाया है वह समझौते की तिथि से 1 (एक) माह के अन्दर-अन्दर कर दिया जावेगा। यह समझौता

दोनों पक्षों की अच्छे प्रौद्योगिक सम्बन्ध बनाये रखने के लिये किया है।

यह समझौता दिनांक 1-5-80 में प्रभावी होगा।

हस्ताक्षर खदान मालिक प्रतिनिधि

(मन्त्री अहमद)

मैनेजिंग पार्टनर,

मसर्स राज फ्लोरिंग स्टोन कम्पनी,

रामगंजमंडी।

हस्ताक्षर यूनियन प्रतिनिधि

1. स्वाधीन कुमार शर्मा,

अध्यक्ष,

राष्ट्रीय मजदूर संघ, रामगंजमंडी

2. गौरीशंकर बेसला,

जनरल सेक्रेटरी,

राष्ट्रीय मजदूर संघ, रामगंजमंडी

ह०/- अपठनीय

1. गवाह

ह०/- अपठनीय

2. गवाह

New Delhi, the 21st January, 1981

**S.O. 416.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the arbitrator, Shri S. B. Singh, Assistant Labour Commissioner (Central), Hazaribagh in the industrial dispute between the employers in relation to the management of Saphi Mica Mine of M/s Bihar State Mineral Development Corporation Limited and their workmen, which was received by the Central Government.

**BEFORE SRI S. B. SINGH, ASSISTANT LABOUR COMMISSIONER (CENTRAL) HAZARIBAGH AND ARBITRATOR APPOINTED UNDER SEC. 10-A OF THE INDUSTRIAL DISPUTES ACT. 1947.**

In the matter of Industrial Dispute between the management of Saphi Mica Mine of Bihar State Mineral Development Corporation Ltd. Dist. Hazaribagh.

**AND**

Their workmen represented by Metalliferous Mine Workers Association (INTUC), P. O. Kodarma. Dist. Hazaribagh.

**APPEARANCES :**

For Employers.—(1) Shri Harsh Vardhan, I.A.S., General Manager, Bihar State Mineral Development Corporation Ltd. Raj Hotel, Ranchi.

(2) Shri D. K. Singh, Project Manager, Saphi Mica Mine of B.S.M.D.C. Ltd. P. O., Jhumritelaiya, Dist. Hazaribagh.

For the workmen.—(1) Shri S. N. Sahai, General Secretary, Metalliferous Mine Workers Association P.O. Kodarma, Dist. Hazaribagh.

**INDUSTRY : MICA**

Hazaribagh, dated 29th November, 1980

**AWARD**

The Government of India, Ministry of Labour, New Delhi under Notification No. L-28013/1/80-D.III-B dated 10-10-80 have referred the following matter of Industrial Dispute for my arbitration under Section 10-A of the Industrial Disputes Act, 1947 :—

"Whether the demand of the workmen of Saphi Mica Mine of M/s. Bihar State Mineral Development Corporation Ltd. for increase in the rates of wages at the rate 0.10 paise (Ten Paise) per day per head over the existing rates of wages is justified in view of the fact that the wages of the workmen of Mica Mines have already been fixed in the last Conciliation Settlement between the Kodarma Mica Mining Association and the workmen represented by the Metalliferous Mine Workers Association ? If so, to what relief the workmen are entitled ?"

2. On receipt of the above Notification discussions were fixed for 12-11-80. The General Secretary, Metalliferous Mine Workers Association attended the discussion but the management requested for an adjournment and accordingly the discussions were adjourned to 20-11-80. On 20-11-80 the management as well as the union appeared and represented their case.

3. The case of the workmen is that prior to 25-11-78 Saphi Mica Mine belonged to M/s. Bihar Mice Syndicate Ltd., an undertaking of the State Government of Bihar. The said Mine was taken over by Bihar State Mineral Development Corporation Ltd. from 25-11-78 and the facilities/benefits enjoyed by the workmen during the times of M/s. Bihar Mica Syndicate Ltd. were allowed to continue even after the Mine was taken over by Bihar State Mineral Development Corporation Ltd. from 25-11-78. The workmen employed in Saphi Mica Mines have been granted wages at a rate 10 paise higher than the rates of wages in respect of the workmen employed in Private Mica Mines. In support of their above contention the union produced the following documents :—

(i) Memorandum of Settlements dated 29-3-73, 27-6-77, 7-4-74, 11-8-75 and 27-6-77 between the management of Saphi Mica Mines and their workmen. As per these settlements the workmen of Saphi Mica Mine were allowed the wages higher by 0.10 paise in each category in comparison to their counter parts of private mica mines as detailed below :—

1973 (As per Settlement dated 29-3-73)

Categories	Wages in Private Mines	Wages in Saphi Mine
	Rs.	Rs.
1. Unskilled U/G, Dhari	3.85 p.d.	3.95 p.d.
2. Surface U/s Mazdoor & Water Carrier	3.65 p.d.	3.65 p.d.
3. Underground Skilled Mazdoor Hand Drillers	4.30 p.d.	4.40 p.d.
4. Machine drillers, Fitter Carpenter and Blacksmith	6.95 p.d.	7.05 p.d.
5. Cook/Tabalua and Exp. carrier.	4.15 p.d.	4.25 p.d.
6. Pump attendant, Winch attendant and Fireman.	6.00 p.d.	6.10 p.d.
7. Shot Firers	6.50 p.d.	6.60 p.d.
8. Comm. Drivers	7.80 p.d.	7.90 p.d.

1974 Increase of Rs. 1 in both cases in agreement dated 7-4-74  
1975 Agreement dated 11-8-75

Categories	Wages in Private Mines/day	Wages in Saphi mine
	Rs.	Rs.
1. Unskilled U/g	5.33	5.43 p.d.
2. Surface U/S	5.11	5.21 p.d.
3. Driller H/d Skilled	5.72	5.82 p.d.
4. Machine Driller	8.74	8.84 p.d.
5. Cook/Tahalua	5.66	5.76 p.d.
6. Pump attendant	7.70	7.80 p.d.
7. Shot firer	8.25	8.35 p.d.
8. Comp Driver	made monthly rated	

Agreement dated 27-6-77

Categories	Wages in Private Mine per day	Wages in Saphi Mine
	Rs.	Rs.
1. Unskilled Under Ground	5.98	6.08 p.d.
2. Surface Unskilled	5.72	5.82 p.d.
3. Hand driller	6.54	6.64 p.d.
4. Cook/Exp. Carrier	6.34	6.44 p.d.
5. Machine driller	9.63	9.73 p.d.
6. Pump attendant	8.47	8.57 p.d.
7. Shot firer	9.07	made monthly rated on better scale

(ii) As per the tripartite settlement dated 7-4-75 in the matter of industrial dispute between the Private Mica Mines represented by Kodarma Mica Mining Association and their workmen there was an increase at the rate Re. 1 per day. The management of Saphi Mica Mine of erstwhile Bihar Mica Syndicate Ltd. allowed only the increase of 0.90 paise. The work-

men of Saphi Mica Mines agitated for the increase @ Re. 1 per day and there was even a strike on the same subject and consequently the management of Saphi Mica Mines agreed to allow an increase of Rs. 1 with retrospective effect. Thus the workmen of Saphi Mica Mine continued to have an additional amount of 0.10 paise in comparison to the workmen of Private Mines. Similarly as per the agreements dated 11-8-75 and 27-6-77 the wages of the Mica Mines workers were revised and in these agreements also the workmen of Saphi Mica Mines have enjoyed an increase of 0.10 paise more than the workmen of Private Mica Mines. There has been another settlement dated 24-9-78 in which the wages of the mica mine workers have been revised. In the said statement dated 24-9-78 the workmen were represented by Metalliferous Mine Workers Association and the Private Mica Mine employers were represented by Kodarma Mica Mining Association. The management of Saphi Mica Mines have paid the same wages as allowed to the workmen of Private Mica Mines as per the Conciliation Settlement dated 24-9-78. The demand of the union is that right from 1973 to 1978 (upto 23-9-78) the workmen of Saphi Mica Mines had got a privilege of additional wages at the rate 0.10 paise over the wage rates of private Mica Mine workers. The said privilege had been denied from 24-9-78 and therefore, the same should be allowed to the workmen with retrospective effect from 24-9-78.

4. In reply to the above the contention of the management of Saphi Mica Mines of M/s. Bihar State Mineral Development Corporation is as under :—

(i) The workmen of Saphi Mica Mines are being paid the wages as per the settlement dated 24-9-78 and 2-2-80 just like other Mica Mines in the Area.

(ii) An increase of 0.10 paise per head had been allowed in the year 1966 due to certain conditions mentioned below :—

(a) Difficulty in getting sufficient number of labours for Saphi Mica Mines because private Mica Owners were allowing certain extra facilities and amenities such as granting advances, facility of Ration Shop and housing accommodation etc.

(b) There was an impression that the working of Saphi Mica Mines was of temporary nature and due to that workers were not attracted. The above conditions do not exist now and therefore, the demand of the union for increase at the rate of 0.10 paise is not justified.

5. From the above arguments put forth by the union and the management it will be seen that while the union has contended that the workmen of Saphi Mica Mines have been enjoying an increase at the rate 0.10 paise per day from 1973 whereas the management have contended that the increase had been allowed in the year 1966. The union has submitted documentary evidence such as settlement dated 29-3-73, 13-5-74, 7-4-74, 11-8-75 and 27-6-77 which show that the workmen of Saphi Mica Mine have all along been paid at the rate of 0.10 paise per day higher in comparison to their counterparts employed in Private Mica Mine. The wages of the Mica Mine Workers have again revised as per settlement dated 24-9-78 and there has been further increase at the rate of Re. 1 per day as per settlement dated 2-2-80. The conditions which were in existence right from 1973 to 1978 in the Saphi Mica Mines as well as in Private Mica Mines are still the same. The workmen of Saphi Mica Mines have been enjoying a sort of Customary concession, usages and special privilege of an increase of 0.10 paise per day in comparison to their counterparts employed in private Mica Mines right from 1966 and there is no justification to deprive them of the above usage and privilege.

6. I, therefore, hold that the workmen of Saphi Mica Mines are entitled to an increase of 0.10 paise per head per day from 24-9-78. Even the revision of the wages of the Mica Mine workers by recent Notification dated 15-9-80 does not affect the special privilege enjoyed by the workmen of Saphi Mica Mines. I, therefore, award that the privilege of 0.10 paise per day enjoyed by the workmen of Saphi Mica Mine will continue and they should be paid this increase of 0.10 paise per day right from 24-9-78 and I award accordingly.

S. B. SINGH, Asstt. Labour Commissioner (Central)  
Hazaribagh and Arbitrator  
[No. L-28013/1/80-D. III (B)]

New Delhi, the 22nd January, 1981

**S.O. 417.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur in the industrial dispute between the employers in relation to the management of Madhya Bharat Mineral Processing Private Limited P. O. Maihar Distt. Satna and their workmen, which was received by the Central Government on 14th January, 1981.

BEFORE SHRI A. G. QURESHI, M.A., LL.B., PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.)

**Case No. CGIT/LC/(R)(73)/1980**

**PARTIES :**

Employers in relation to the management of Madhya Bharat Mineral Processing Pvt. Ltd P. O. Maihar, District Satna and their workmen.

**APPEARANCES :**

For workmen.—None.

For Management.—Shri B. D. Mehta, Manager.

**INDUSTRY : Mineral**                      **DISTRICT : Satna (M.P.)**

**AWARD**

The Government of India in the Ministry of Labour in exercise of the powers conferred on it by Clause 10(1)(d) of the Industrial Disputes Act 1947, has referred the following matter of dispute to this Tribunal for adjudication vide Notification No. L-29011/54/80-D.III(B) dated 17-11-1980 :—

"Whether the action of the management of Pipara Rurband Uttar Patti Limestone Mine, Badannur of M/s. Madhya Bharat Minerals Processing Private Limited, Post Office Maihar, District Satna in stopping the workers mentioned below from work with effect from 3-4-1980 is justified ? If not, to what relief the concerned workmen are entitled ?"

1. Bhool w/o Saman
2. Bhahori w/o Sapan
3. Shankar s/o Sathaiya
4. Matadeen s/o Bhuti
5. Kaluwa s/o Bahori
6. Kausiliya w/o Bhuti
7. Bhoori w/o Bhahori
8. Leela w/o Bhuti
9. Gudi w/o Bhahori
10. Gathua w/o Kala.
11. Koduva—Gathua
12. Batsiya—Gathua
13. Shyambai—Bhuti
14. Munni—Kodua
15. Chhaga—Ansarl
16. Gendi—Chhanga
17. Jemma—Gakolu
18. Dasodiya—Jemma
19. Nandila—Jethua
20. Barelal—Jethua
21. Kalbathiya—Jethua

22. Jhulli—Nandilal
23. Sukhamanti—Barelal
24. Buiya—Sukru
25. Sampat—Sukhna
26. Teja—Sampat
27. Shyambai—Teja
28. Girija—Sampat
29. Santhoshi—Badka
30. Champabai—Santhoshi
31. Gilla—Bholaiya
32. Milapi—Bholiya
33. Kusumbai—Billa
34. Jiyalal—Bisram
35. Malthu—Bishram
36. Premiya—Malthi
37. Virunu—Chunwada
38. Raniya—Virunu
39. Jumuru—Sella
40. Thanki—Jugnu
41. Lalli—Jugnu.
42. Bandi—Jugru
43. Kodana—Jagnath
44. Ramlal—Ramkumar
45. Ramkal—Jagnath
46. Siniya—Mathadin
47. Basanti—Kodua

2. Parties were noticed to file their respective statement of claims fixing 24-12-1980 on which date Shri B. D. Mehta, Manager of the Company appeared and instead of filing statement of claim filed a Memorandum of Settlement dated 21-12-1980 duly signed by the Manager of the Company and the General Secretary of the Union, Choona Mazdoor Sangh, Maihar. After perusing the terms of the settlement I am of the view that the terms of settlement are favourable to the workmen just and reasonable. Hence an award is given in terms of settlement which will form part of the award.

31-12-1980

A. G. QURESHI, Presiding Officer

[No. L-29011/54/80-D. III (B)]

**Memorandum of Agreement**

**PARTIES CONCERNED :**

Representing Employer.—M/s. Madhya Bharat Minerals Processing Pvt. Ltd., Maihar.

Through

B. D. Mehta Manager.

Representing Workmen.—R. D. Nigam, General Secretary Choona Mazdoor Sangh Maihar.

**Short Recital of the Case**

The workmen named Bhuti and 46 others had filed an application dated 9-5-80 before the Assistant Labour Commissioner (C), Jabalpur through General Secretary Choona Mazdoor Singh, Maihar demanding reinstatement. After failure of conciliation proceedings the matter was referred to the Honourable Central Govt. Industrial Tribunal-cum-Labour Court, Jabalpur and the same case had been registered as case No. CGIT/LC(R)(73)/1980. The management

and the General Secretary Choona Mazdoor Sangh with the concerned labourers held a meeting on 12-12-80 and there after again today on 21-12-80 to settle the matter amicably

The management of M/s Madhya Bharat Minerals Processing Pvt Ltd, contended that the workers concerned were never employed permanently. They were seasonal workers and left on their own accord without informing the management

However, as the union has pressed the employer and in view of maintaining harmonious relations with each other an amicable agreement is reached on 21 12 80

#### Terms and Conditions of the Agreement

1 The management would be pleased to provide jobs to the concerned workers if they so desire

2 Both the parties assured for smooth working and increased productivity in the mine

In view of the above terms and conditions of the agreement both parties are agreed to withdraw the above case pending before the Honourable Central Government Industrial Tribunal-cum Labour Court, Jabalpur with their own costs

Dated 21-12-80

#### Signature of the parties

1 Sd/- B D Mehta, Manager representing M/s Madhya Bharat Minerals Processing Pvt Ltd, Mathar

2 Sd/ (Secretary Choona Mazdoor Sang R D Nigam, representing workmen)

Witnesses

1 Sd/-Illegible

2 Sd/-Illegible

3 Sd/-(Lavakush Prasad)

Sd/-Illegible

L T I of Bhuti

New Delhi, the 23rd January, 1981

**S.O. 418.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No 2, Dhanbad in the industrial dispute between the employers in relation to the management of Bhawanathpur Lime Stone Mine of Bokaro Steel Limited and their workmen which was received by the Central Government on 27th December, 1980

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO 2) DHANBAD

#### Reference No. 75 of 1979

In the matter of an industrial dispute under S 10(1)(d) of the ID Act, 1947

#### PARTIES .

Employers in relation to the management of Bhawanathpur Limestone mine of Bokaro Steel Limited and their workmen

#### APPEARANCES .

On behalf of the employees Shri S S Mukherjee, Advocate

On behalf of the workmen Shri D Narsingh, Advocate

STATE Bihar INDUSTRY Limestone mine  
Dhanbad, 22nd December, 1980

#### AWARD

This is a reference under S 10(1)(d) of the ID Act, 1947. The Central Government by its notification No L 29012/14/77-D III(B) dated 26th April, 1977 has referred this dispute to this Tribunal for adjudication on the following terms :

#### SCHEDULE

'Whether action of the management of Bhawanathpur Lime Stone Mine of Bokaro Steel Limited is justified

(a) In not regularising Shri K P Gopalan Nair who has been working as Surveyor in the mine from 18-1-1975 on casual basis.

(b) In not issuing in time the appointment order on regular basis to the post of Light Vehicle Driver in respect of Shri S N Ashraf, who has been working in the mine on casual basis from 13-5-1973

If not, to what relief are the affected workmen entitled?"

2 After receipt of the reference written statement and rejoinders were filed by the employers as also by the workmen. The reference thereafter proceeded along its course. Ultimately on 10-12-80 a memorandum of settlement was filed by the parties incorporating therein the terms of settlement arrived at between the parties in respect of the industrial dispute pending for adjudication in this Tribunal. The contents of the settlement were verified by me as correct. As per the settlement Shri K P Gopalan Nair would be regularised as Asstt Surveyor in accordance with the rules. In respect of the other workman i.e. Shri S N Ashraf it has been mutually settled that he would be redesignated as Despatcher Gr II and his eligibility would be counted from 1-6 78 for the purpose of promotion. Since the settlement is beneficial to both the parties I accept the same. Accordingly I pass the award in terms of the settlement which will form part of the award

J P. SINGH, Presiding Officer,

[No L-29012/14/77-D III(B)]

Memorandum of Settlement reached between the representatives of Bokaro Steel Workers Union and the representatives of BSL Management on 6-11-1980 regarding the case of NMR employee etc (Bhawanathpur Mines) pending before the Central Govt Industrial Tribunal No 2, Dhanbad

#### PRESENT

Representing Management

S/Shri

1 N Janakiraman, CE (OMQ)

2 U K Choubey, CPM

3 R N P Sinha, Dy CPM(Estt)

4 Balbir Singh, Dy CPM (M&S)

5 R B Singh, Dy Manager (S)

Representing Workmen

S/Shri

1 P N Tripathi, Working President, BSWU

2 R S Pathak, Branch Secretary, BSWU, BNP Mine

3 K P Gopalan Nair

4 (S N Ashraf)

5 K K Jha

#### RECITAL

A Tripartite Settlement dated 3-9-1980 was reached between the representatives of Bokaro Steel Workers Union and management in connection with the strike in the establishment of contractors, Bhawanathpur Limestone Mines. It was agreed

as per clause No. 3 of the said settlement that the question of NMR employees ; including the cases of 26 (actually 35) workmen pending before the Industrial Tribunal No. 2 (Central Government) Dhanbad, would be discussed between the union and management. If a settlement reached, a petition would be filed before the Tribunal for consent award.

The issue pertaining to cases of 35 workmen (Annexure 'A') under reference No. 40/70 and cases of two more workmen under reference No. 75/79 were also discussed in detail between the representatives of union and of management on 4-11-80 and 5-11-80. After prolonged discussions, following terms and conditions were agreed to by both the parties on 6-11-80, in respect of regularisation of the above workmen (excepting Sl. No. 30 who has expired) and relief in the form of lump-sum amount payable to said workmen.

#### Terms of Settlement

1. The workmen in the categories of Blaster, Sampler and Mazdoor would be regularised in the designation and pay-scales indicated in the annexure. The concerned workmen would be regularised as per rules/practice of the company.

2. The regularisation order of the 35 employees and of the existing NMR employees working in OMQ Department would be issued simultaneously.

3. The workers representatives insisted that since the workmen are being regularised with immediate effect and these cases are old and an industrial dispute is pending, some financial relief must be allowed to the said workmen. This matter was deliberated upon in detail between both the parties and it was agreed that a lump-sum amount would be paid to 35 employees as an ex-gratia as mentioned in the said Annexure 'A'.

Regarding the cases of S/Shri KP Gopalan Nair and SN Ashraff, under reference No. 75/79, following terms and conditions were agreed to :

(i) Shri Gopalan Nair would be regularised as Asstt. Surveyor in S-5 grade (Rs. 490-777) in accordance with rules. He would continue to hold this designation as personal to him. He would be paid a lump-sum amount as ex-gratia as mentioned in the annexure against his name.

(ii) Regarding Shri Ashraff, it was found that though he was holding designation of Driver, he has been actually working as Despatcher Gr. II (S-4) w.e.f. 1-6-1978. He would be redesignated as Despatcher in the pay-scale of S-4 and his eligibility would be counted from 1-6-78 for the purpose of promotion. He would be paid a lump sum amount as ex-gratia as indicated against his name in the annexure.

#### ANNEXURE—A

Ref. No. 40/79

Sl. No.	Name	Existing Designation	Date of joining as NMR	Agreed Designation & scale of pay		Amount to be paid as Ex-gratia
				Designation	Scale of pay	
1	2	3	4	5	6	7
	S/Shri				Rs.	Rs.
1.	Ramlal Sah	Mazdoor	15-2-77	Mazdoor	400—488	1640
2.	Manager Baitha	-do-	15-2-77	-do-	400—488	1640
3.	Bipat Sah	-do-	15-2-77	Already joined		500
4.	Surender Sah	-do-	15-2-77	Mazdoor	400—488	500
5.	Chandrika Pd Yadav	-do-	21-2-77	-do-	400—488	1640
6.	Ramnath Sah	-do-	21-2-77	-do-	400—488	1640
7.	Baij Nath Sah	-do-	21-2-77	-do-	400—488	1640
8.	Biswanath Sah	-do-	21-2-77	Joined as Khalasi		500
9.	Arjun Sah	-do-	21-2-77	Mazdoor	400—488	1640
10.	Ram Nareish Choudhary	-do-	21-2-77	Already joined		500
11.	Yamuna Choudhary	-do-	19-2-77	Mazdoor	400—488	1650
12.	Kuldip Baitha	-do-	19-2-77	-do-	400—488	1640
13.	Raj Karan Sah	-do-	19-2-77	-do-	400—488	1640

#### GENERAL

1. The workmen who are to be regularised under the rules of the Company in the category of Mines Foreman, Mining Mate and Blaster, would be regularised in the agreed scale and posts provided they fulfil the statutory qualifications prescribed under Metalliferous Mines Regulation 1961.

2. All the above 36 workmen would be entitled to arrears arising out of revision of minimum per day wages w.e.f. 1-1-80, as per decision of the management vide circular No. Pers/IP/03/9-40 dated 3/4-1-1980 read with circular No. Per/IR/03/9 dated 1-7-1980.

3. It was agreed by the management that earlier orders of management regarding allotment of 'D' type quarter to the union would be implemented.

4. It was agreed by both the parties that they would pray before Industrial Tribunal No. 2 (Central Govt.) Dhanbad for consent Award on the basis of this settlement.

This agreement will come into force consequent upon consent Award to be awarded by the said Tribunal.

#### SIGNATORIES

##### Representing Management

1. (N. Janakirman)
2. (U. K. Choubey)
3. (RNP Sinha)
4. (Balbir Singh)
5. (R. B. Singh)

##### Representing Workmen

1. (P. N. Tripathi)
2. (R. S. Pathak)
3. (K. P. Gopalan Nair)
5. (R. B. Singh)
5. (K. K. Jha)

##### Witnesses :

1. (N. Chattopadhyay)

Jr. Manager (Pers-S)

2. (M. P. Bakshi)

Asstt. (S/T) Gr. I

1	2	3	4	5	6	7
S/Shri					Rs.	Rs.
14. Kirpat Sah	Mazdoor	19-2-77	Mazdoor		400—488	1640
15. Ludhawan Choudhary	-do-	19-2-77	-do-		400—488	1640
16. Rampati Sah	-do-	19-2-77	-do-		400—488	1640
17. Bhola Mahato	-do-	19-2-77	Already joined			500
18. K.K. Jha	Sampler	2-3-77	Sampler		430—605	2140
19. S.N. Prasad	-do-	4-3-77	-do-		430—605	2140
20. Balram Singh	-do-	25-4-77	-do-			500
21. Syam Bihari Tiwari	-do-	25-4-77	-do-		430—605	500
22. Chandraman Mahto	Mazdoor	20-4-77	Already joined			500
23. Chandeshwar Kr. Mahto	-do-	20-4-77	-do-			500
24. Rajdeo Ram	-do-	20-4-77	Mazdoor		400—488	1640
25. Surender Singh	-do-	20-4-77	-do-		400—488	1640
26. Munshi Ram	-do-	19-2-77	-do-		400—488	1640
27. K.K. Tiwari	Blaster	4-11-76	Mines Foreman		530—894	3140
28. B.K. Singh	-do-	19-10-76	Mining Mate		430—605	2140
29. Rameshwar Pandey	-do-	11-10-76	-do-		430—605	2140
30. Bhuneshwar Tiwari	-do-	19-10-76	Expired			3000
31. Deonath Ram	-do-	11-10-76	Blaster		430—605	2140
32. Sudheswar Dubey	-do-	11-10-76	-do-		430—605	2140
33. Ram Subhag Ram	-do-	19-10-76	-do-		430—605	2140
34. Nand Kishore Ojha	-do-	15-11-76	-do-		430—605	2140
35. Shanker Upadhyay	-do-	11-10-76	Already joined			440
Ref. No. 75/79						
36. K.P. Gopalan Nair			Asstt. Surveyor		490—777	3750
37. S.N. Ashraff			Already joined			3450

New Delhi, the 23rd January, 1981

effect from 16-12-79 is justified ? If not, to what relief the concerned workmen are entitled ?”.

**S.O. 419.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur in the industrial dispute between the employers in relation to the management of Madhya Bharat Mineral Processing Pvt. Ltd., Maihar and their workmen, which was received by the Central Government on 14th January, 1981.

BEFORE SHRI A.G. QURESHI, M.A., LL.B., PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR (M.P.).

**Case No. CGIT/LC(74)/1980**

**PARTIES :**

Employers in relation to the management of Madhya Bharat Mineral Processing Pvt. Ltd., P.O. Maihar, Distt. Satna (M.P.) and their workmen.

**APPEARANCES :**

For workmen—None.

For Management—Shri B.D. Mehta, Manager.

**INDUSTRY :** Mineral **DISTRICT :** Satna (MP).

**AWARD**

The Government of India in the Ministry of Labour in exercise of the powers conferred on it by Clause 10(1)(d) of the Industrial Disputes Act 1947, has referred the following matter of dispute to this Tribunal for adjudication vide Notification No. L-29011[53]80-D.III(B) dated 17th November, 1980 :—

“Whether the action of the management of Pipara Barbund Uttar Patti Limestone Mine, Badanpur of M/s. Madhya Bharat Mineral Processing Private Limited, Post Office Maihar, District Satna in stopping the workers mentioned below from work with

1. Shri Shubkaran s/o Gajra.
2. Shri Shanker s/o Satiya.
3. Shri Kodua s/o Judua.
4. Shri Batasiya s/o Gadhan.
5. Shri Jemma s/o Gapola.
6. Shri Gilla s/o Molai.
7. Shrimati Dasodia w/o Jemma.
8. Shri Milapi s/o Molai.
9. Shri Sampat s/o Sukhua.
10. Shrimati Girja w/o Sampat.
11. Shri Teja s/o Sampat.
12. Smt. Ramsai w/o Teja.
13. Shri Viranu s/o Chunwada.
14. Smt. Kusumbai w/o
15. Smt. Kallabai w/o Milabri.
16. Smt. Ramrati w/o Virnu.
17. Smt. Barhai w/o Juguva.
18. Smt. Munni w/o Induva.
19. Smt. Kalavatia w/o Juthua.
20. Smt. Daddi w/o Buhu Tali.
21. Smt. Kanchedi w/o Chunuvada.
22. Smt. Vishever w/o Parasada.
23. Smt. Dadolia w/o Vishram.
24. Shri Jhuri s/o Sharda.
25. Smt. Premia w/o Maloo.
26. Smt. Gondi w/o Chhanga.
27. Smt. Gadua w/o Duha.
28. Smt. Jummua w/o Soniya.
29. Shri Nannilal s/o Jethuwa.
30. Shri Chhanga s/o Durjan.

2 Parties were noticed to file their respective statement of claims fixing 24-12-1980 on which date Shri B. D. Mehta, Manager of the Company appeared and instead of filing statement of claim filed a Memorandum of Settlement dated

21-12-1980 duly signed by the Manager of the Company and the General Secretary of the Union, Choona Mazdoor Sangh, Maihar. After perusing the terms of the settlement I am of the view that the terms of settlement are favourable to the workmen just and reasonable. Hence an award is given in terms of the settlement which shall form part of the award.

A. G. QURFSHI, Presiding Officer.

31-12-1980.

[No. L-29011/53/80-D.III (B)]

V GUNASEKARAN, Under Secy.

#### MEMORANDUM OF AGREEMENT

#### PARTIES CONCERNED

#### REPRESENTING EMPLOYER

M/s. Madhya Bharat Minerals Processing

Pvt. Ltd. Maihar.

through

B.D. Mehta, Manager.

#### REPRESENTING WORKMEN

R.D. Nigam General Secretary Choona

Mazdoor Sang Maihar.

#### SHORT RECITAL OF THE CASE

The workmen named Shubkaran and 29 others had filed an application dated 20-12-79 before the Assistant Labour Commissioner(C) Jabalpur through General Secretary Choona Mazdoor Sangh, Maihar demanding reinstatement. After failure of conciliation proceedings the matter was referred to the Honourable Central Govt. Industrial Tribunal-cum-Labour Court Jabalpur and the same case had been registered as Case No. CGIT/IC(R)(74)/1980. The management and the General Secretary Choona Mazdoor Sangh with the concerned labourers held a meeting on 12-12-80 and thereafter again today 21-12-80 to settle the matter amicably.

The management of M/s Madhya Bharat Minerals Processing Pvt. Ltd., Maihar contended that the workers concerned were never employed permanently. They were seasonal workers and left on their own accord without informing the management.

However, as the union has pressed the employer and in view of maintaining harmonious relations with each other an amicable agreement is reached on 21-12-80.

#### TERMS AND CONDITIONS OF THE AGREEMENT

1. The management would be pleased to provide jobs to the concerned workers if they so desire.

2. Both the parties assumed for smooth working and increased productivity in the mine.

In view of the above terms and conditions of the agreement both parties are agreed to withdraw the above case pending before the Honourable Central Government Industrial Tribunal-cum-Labour Court, Jabalpur with their own costs.

Dated 21-12-80.

Signatures of the parties.

1. Sd/- (B.D. Mehta, Manager, representing M/s. Madhya Bharat Minerals Processing Pvt. Ltd. Maihar)

2. Sd/- (R. D. Nigam, General Secretary, Choona Mazdoor Sang-Representing workmen).

Sd/- Illegible.

Sd/- Lt. I. of Bhuti.

Witnesses.

1. Sd/- Illegible.

2. Sd/- Illegible

3. Sd/- Lavakush Prasad.

New Delhi, the 16th January, 1981

**S.O. 420.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Madras, in the industrial dispute between the employers in relation to the management of B.C.G. Vaccine Laboratory, Guindy, Madras and their workmen, which was received by the Central Government on the 12th January, 1981.

**BEFORE THIRU T. SUDARSANAM DANIEL, B.A.B.L.,**  
**PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,**  
**MADRAS**

(Constituted by the Government of India)

Friday, the 2nd day of January, 1981

Industrial Dispute No. 52 of 1980

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between a workman and the Management of B.C.G. Vaccine Laboratory, Guindy, Madras.)

#### BETWEEN

Thiru D. Vythilingam, Old No. 142, Bazaar Street, Saidapet, Madras-600015.

#### AND

The Director, B.C.G. Vaccine Laboratory, Guindy, Madras-600032.

#### REFERENCE :

Order No. L-42012(48)/79-D.U(B), dated 7th August, 1980 of the Ministry of Labour, Government of India.

This dispute coming on for final hearing on Saturday the 13th day of December, 1980 upon perusing the reference, claim and counter statements and all other material papers on record and upon hearing the arguments of Thiruvallalgar S. Ayyathurai and K. Chandru, Advocates for the worker and of Thiru R. Sarangarajan for Thiru G. Rajan, Central Government Pleader for the Management and this dispute having stood over till this day for consideration, this Tribunal made the following :

#### AWARD

This is an Industrial Dispute between the workmen and the Management of B.C.G. Vaccine Laboratory, Guindy, Madras-32 referred to this Tribunal for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 by the Government of India in Order No. L-42012(48)/79-D. U.B, dated 7th August, 1980 of the Ministry of Labour, in respect of the following issue :

"Whether the action of the Director, B.C.G. Vaccine Laboratory, Guindy, Madras in terminating the services of Shri D. Vythilingam, Glassware Cleaner, on 24-7-78 was justified ? If not, to what relief the workman is entitled."

(2) Facts leading upto this dispute are not in controversy. Respondent is the Director, B.C.G. Vaccine Laboratory, Guindy, Madras-32, Tamil Nadu. The Claimant is Thiru D. Vythilingam, Old No. 142, Saidapet, Madras-15, Tamil Nadu. The Claimant-workman was working as a Casual Labourer in the B.C.G. Vaccine Laboratory from 13-2-1972 to 23-8-1973 vide the Service Certificate Ex. W-10 issued by the Respondent-Director B.C.G Vaccine Laboratory, Guindy, Madras. Prior to this appointment, an interview was held on 19-11-1971 as will be evident from the communication of the Respondent-Director Ex. W-4 dated 17-2-1972. Ex. W-6 is a Certificate issued by the Deputy Director of the Respondent on 12-10-1972 stating that the workman working in this laboratory as a Casual Labourer for the last nine months. From 28-8-1973 to 27-4-1976 the workman was appointed on temporary and ad-hoc basis to the post of Glassware Cleaner. The services of the workman were terminated with effect from the afternoon of 27-4-1976 vide the order of the Respondent-Director dated 28-4-1976 Ex. W-9. But the

present reference made by the Government of India calls upon this Tribunal to adjudicate on the action of the Respondent-Director in terminating the services of the workman on 24th July, 1978. The Respondent-Director is represented by the Central Government pleader Thiru G. Rajan. While one can easily appreciate the submission of Central Government pleader on the merits of the reference made by the Government of India itself, it is rather surprising, if not amusing to hear the Central Government pleader who is standing counsel for the Central Government to urge several technical pleas to impress upon this Tribunal that the reference made by the Government of India is incompetent and invalid in law and void ab initio. The Respondent-Director has filed a detailed counter statement to the claim made by the worker. There is no whisper in this lengthy counter that the present reference is unsustainable because the workman was not terminated on 24th July, 1978 as mentioned in the reference of the Government of India. There is no controversy that the workman-claimant Thiru D. Vythilingam was terminated with effect from the afternoon of 27th April, 1976—vide the order of the Director Ex. W-9 dated 28th April, 1976. In 1968-I-L-J-Page 369 (Minimax Ltd. Vs its workmen) it was laid down that the Tribunal was under a duty cast on it to find out what was the real dispute referred to and to decide it and not to throw it on mere technicality. In the present case also even according to the Respondent-Director, the Petitioner-workman Thiru D. Vythilingam was terminated with effect from the afternoon of 27th April, 1976 under Ex. W-9. Ex. W-10 is also the service certificate issued by the Respondent-Director to the Petitioner on 10th May, 1976. Therefore it is abundantly clear that the services of the Petitioner were terminated on the afternoon of 27th April, 1976. Hence there is no substance in the present submission of the learned Government Pleader that this Tribunal has no jurisdiction whatsoever to construe the reference as one of termination with effect from 28th April, 1976 instead of 24th July, 1978 as specifically mentioned in the reference made by the Government of India. In 1962-II-L-J.-page 227 (Express Newspapers Ltd., vs. their workers and staff and others) the Supreme Court has also stated that even though an order of reference hastily drawn or drawn in a casual manner often gives rise to unnecessary disputes and thereby prolongs the life of industrial adjudication which must always be avoided even then, when the question of this kind is raised before the Courts, the Courts must attempt to construe the reference not too technically or in a pedantic manner, but fairly and reasonably. There cannot be any dispute that the Petitioner-workman Thiru D. Vythilingam was not employed by the Respondent-Director in any capacity from 28th April, 1976. Under these circumstances, the only point that has to be adjudicated by this Tribunal is whether the action of the Respondent-Director in terminating the services of the Petitioner with effect from 27th April, 1976 afternoon under the order of the Director dated 28th April, 1976 Ex. W-9 is justified?

(3) Before proceeding further, I may advert to another stand taken up in paragraph (5) of the counter statement "that the B.C.G. Vaccine Laboratory is not within the scope of Section 2(i) of the Industrial Disputes Act, 1947 and decided the cases". In paragraphs (8), (12)(b) and (14) of the counter statement filed by the Respondent-Director, it is stated that B.C.G. Vaccine Laboratory had not been declared as an "industry" so far by any formal declaration by a Gazette Notification and therefore the undertaking of B.C.G. Vaccine Laboratory cannot be considered to be an "industry" as contemplated under Section 2(i) of the Industrial Disputes Act, 1947. Whether a given industry is an "industry" as coming within the meaning of Section 2(i) of the Industrial Disputes Act, 1947 has to be determined as and when it comes up for consideration before the Tribunal, High Court or Supreme Court. In order to invoke or resort to the provisions of the Industrial Disputes Act, 1947 it is quite unnecessary that such industry should have been so declared to initiate proceedings under the Industrial Disputes Act, 1947. It is open to the Tribunal and the Courts to come to a conclusion that a given industry is an "industry" as contemplated under Section 2(i) of the Industrial Disputes Act, 1947 even in the absence of any such declaration or notification by the Central or State Government to this effect. In the face of the unanimous decision of the Supreme Court in the decision reported in 1978-I-L-J-page 349 (Bangalore Water Supply and Sewerage Board etc., etc., and A. Ralappa and others) the half hearted contention of the learned Central Government Pleader

that the undertaking of the B.C.G. Vaccine Laboratory cannot be considered to be an "industry" as contemplated under Section 2(i) of the Industrial Disputes Act has to be rejected. In fairness to the learned Central Government Pleader, I must confess that he made no efforts whatsoever to submit that the citation referred to above has no application to the facts of the present case. It is true that the Supreme Court has pointed out very few notable exemptions: It runs as follows:

"A restricted category of professions, clubs, cooperatives and even gurukulas and little research labs, may qualify for exemption if in simple ventures substantially and going by the dominant nature criterion substantively, no employees are entertained but in minimal matters, marginal employees are hired without destroying the non-employee character of the unit. If in a pious or altruist mission many employ themselves, free or for small honorarium, such as lawyers volunteering to run a free legal service clinic or doctors serving in their spare hours in a free medical centre or ashramites working at the bidding of the holiness, divinity or like personality and the services are supplied free or at nominal cost and those who serve are not engaged for remuneration or on the basis of master and servant relationship then the institution is not an industry, even if stray servants, manual or technical, are hired. Such undertakings alone are exempt—not other generosity, compassion, developmental passion or project."

But apparently, the undertaking of the Respondent-Director, viz. B.C.G. Vaccine Laboratory, Madras cannot possibly be brought within the exemptions contemplated under the decision of the Supreme Court. In 1979-I-L-J.-page 176 (K. R.B. Karmal and another vs. Director of Postal Services, Trivandrum) even the Postal Department of the Central Government has been held to be an "industry" under Section 2(i) of the Industrial Disputes Act, 1947, following the Supreme Court ruling. Ex. W-1 is a Settlement entered into under Section 12(3) of the Industrial Disputes Act, 1947 between the Respondent-Management and the B.C.G. Vaccine Laboratory Employees Union, Madras-32 on 24th September, 1971. Ex. M-1 contains minutes of discussion held before the Assistant Labour Commissioner (Central), Madras between the Respondent-Management and the Employees' Union. Even according to the Management as per their stand in paragraph (13) of the counter statement one Kumari Vasantha R. was taken as a temporary Laboratory Peon in the regular establishment itself and when her services were terminated, the Central Government on the motion of Conciliation Officer has made a reference to the Central Government Tribunal at Madras and this Tribunal in I.D. No. 28 of 1978 has rendered an Award on 24th January, 1979 holding that the termination is illegal and according to the Management in paragraph (13) of the counter the case of termination of the said Vasantha is still pending before the High Court of Madras. Ex. W-13 is the Conciliation Failure Report submitted by the Assistant Commissioner of Labour (Central), Madras-II. From Ex. W-13, it can be seen that the Respondent-Director has participated in the Conciliation Proceedings also and did not advance any plea that the Industrial Disputes Act, 1947 does not apply to B.C.G. Vaccine Laboratory, Madras. In the face of these circumstances, there is little merit in the contention of the learned Central Government Pleader that B.C.G. Vaccine Laboratory is not an undertaking as contemplated under Section 2(i) of the Industrial Disputes Act, 1947.

(4) Learned Central Government Pleader would further contend that B.C.G. Vaccine Laboratory, Madras is the sole producer in the country of B.C.G. vaccine and therefore it is a regal or sovereign function of the State and as such Industrial Disputes Act, 1947 cannot be held applicable. In 1978-I-L-J.-page 349 (Bangalore Water Supply and Sewerage Board vs. A. Ralappa and others), at page 358 in the unanimous decision of the Supreme Court the honourable Chief Justice has pointed out that the term "Regal" from which the term "Sovereign" functions appears to be derived seems to be a misfit in a Republic where the citizen shares the political sovereignty in which he has even a legal share however small, inasmuch as he exercises the right to vote. So what is meant by the use of the term "Sovereign" in relation to the activities of the State, is more accurately brought out by using the term "governmental" functions although there are difficulties here

also in as much as the Government has entered largely new fields of industry. I have already pointed out that in 1979-I-L.L.J. Page 176 (K.R.B. Kaimal and another vs. Director of Postal Services, Trivandrum) even the Postal Department of the Government of India has been held to be an 'industry' as coming within the meaning of Section 2(j) of the Industrial Disputes Act, 1947. In the decision of the Supreme Court referred to earlier in 1978-I-L.L.J. Page 349 the Supreme Court has also laid down that even in departments discharging sovereign functions, if there are units which are industries and they are substantially severable, then they can be considered to come within Section 2(j) of the Industrial Disputes Act, 1947. After all just because B.C.G. Vaccine Laboratory, Madras owned by the Central Government is the sole producer of B.C.G. vaccine for India it does not necessarily follow that it is in exercise of any sovereign function as such. It is not as though nobody else can run such an undertaking to produce B.C.G. vaccine and just because the Government of India maintains its monopoly in this undertaking it does not follow that the undertaking cannot be considered to be an 'industry' within Section 2(j) of the Industrial Disputes Act, 1947. The Supreme Court has also pointed out that constitutional and competently enacted legislative provisions may well remove from the scope of the Industrial Disputes Act, 1947. No such claim has even been made even in the lengthy counter statement filed by the Respondent. The vehement manner in which the learned Central Government Pleader sought to project the so-called regal function of the Respondent-Director left me with the impression that he is trying to revive the long ago dead and buried, fathoms deep, out-dated doctrine that the King can do no wrong. Therefore I am unable to accept the submission of the learned Central Government Pleader that B.C.G. Vaccine Laboratory is not an undertaking coming within the purview of Section 2(j) of the Industrial Disputes Act, 1947.

(5) Yet another submission of the learned Central Government Pleader was that assuming that in the light of the unanimous decision of the Supreme Court reported in 1978(I) L.L.J. page 349, B.C.G. Vaccine Laboratory, Madras can be held to be "industry" under Section 2(j) of the Industrial Disputes Act, 1947, it cannot be concluded that it is the law as on the date of termination of the services of the Petitioner Thiru D. Vythilingam in April, 1976. The decision of the Supreme Court reported in 1978(I) L.L.J. Page 349 has been rendered by the Supreme Court on 21st February, 1978 and the Petitioner-worker Thiru D. Vythilingam had been terminated with effect from the afternoon of 27th April, 1976—vide Ex. W-9. Here again, the learned Central Government Pleader labours under a misapprehension about the exact position of law. No doubt, the services of the Petitioner were terminated on 27th April, 1976. But that by itself does not give any cause of action under industrial law. It is true that at any time after the termination of the Petitioner it is entirely left open to him to set the industrial law in motion to challenge the termination by the Respondent-Director. From Ex. W-13, the Conciliation Failure Report, it can be seen that the Petitioner has raised the dispute only on 16th August, 1979—vide copy of the Petition made by Thiru D. Vythilingam attached to the Conciliation Failure Report. Even then, this Tribunal does not get a jurisdiction consequent on the Petitioner's letter dated 16th August, 1979. The Conciliation Failure Report Ex. W-13 is dated 21st November, 1979. Even that does not confer any jurisdiction on this Tribunal. The present reference is made by the Government of India on 7th August, 1980 and the same has been received by this Tribunal on 12th August, 1980 and only on the reference by the Government this Tribunal has jurisdiction to adjudicate the claim of the Petitioner. Certainly, if the Central Government had declined to refer the dispute there will be no dispute to be adjudicated by this Tribunal under the Industrial Disputes Act, 1947. In order to resolve the industrial unrest the dispute has been referred and then only the cause of action as such would arise conferring jurisdiction on this Tribunal under the Industrial Disputes Act, 1947. Therefore the crucial date for appreciating the right of the aggrieved workman would not necessarily be the date of termination, but only on the date of reference by the Government, viz., August, 1980. If that be so, the only law applicable would be 1978(I) L.L.J. Page 349. Even otherwise, when the Supreme Court renders the judgement it declares the state of the law of the country. Merely because in earlier years there was no occasion to find out whether

B.C.G. Vaccine Laboratory is an "industry" as contemplated under Section 2(j) of the Industrial Disputes Act, 1947 it does not necessarily follow that until such adjudication one way or other it must be presumed that it is not an "industry" coming within the meaning of Section 2(j) of the Industrial Disputes Act, 1947. Moreover, the state of law as was obtained in 1976 on the question of industry under the Industrial Disputes Act, 1947 was not far different from the one explicitly laid down by the Supreme Court in 1978-I-L.L.J. Page 349. As pointed out by the Supreme Court, the issue was referred to the full bench which gave an unanimous verdict in order that there should be a comprehensive, clear and conclusive declaration as to what is an "industry" under the Industrial Disputes Act, 1947 as it now stands. The endeavour of the Supreme Court was only to provide working principles to determine what a given undertaking is or is not industry as coming within the meaning of Section 2(j) of the Industrial Disputes Act, 1947. The Supreme Court has stated as early as in the year 1953 [Benerji vs. Mukherjee—A.I.R. 1953 (Supreme Court) page 58] that the term industry will cover all branches of work that can be said to be analogous to the carrying out of a trade or business. Moreover, the definition has derived broader connotations from the decisions of the Supreme Court in the Corporation of Nagpur case reported in 1960-I-L.L.J. Page 523 and also in the Hospital Mazdoor Sabha case reported in 1960-I-L.L.J. page 251. Looked at from any angle there is no scope to hold that the undertaking of the Respondent-Director was not an "industry" under Section 2(j) of the Industrial Disputes Act, 1947 during the relevant period.

(6) I shall now deal with the claim of the workman on merits. At the risk of repetition I recall that the Claimant was working as a Casual Labourer in the B.C.G. Vaccine Laboratory, Madras from 13th February, 1972 to 23rd August, 1973 and was working as a Glassware Cleaner from 28th August, 1973 to 27th April, 1976—vide Ex. W-10, the Certificate issued by the Respondent-Director on 10th May, 1976. Ex. M-7 is the communication of the Respondent-Director dated 3rd June, 1974 to the Director General of Health Services, New Delhi. Ex. M-7 deals with two Casual Labourers employed by the Respondent-Director, viz., Thiru D. Vythilingam (Petitioner herein) and one Thiru R. Mohan. I am extracting herewith the portion from Ex. M-7 as it relates to Petitioner herein, viz., Thiru D. Vythilingam.

"It is to be emphasized again that these two Casual Labourers on daily wages were appointed initially through the agency of Local Employment Exchange. Shri D. Vythilingam completed one year and 6 months, completing 232 days in the first year of service and 120 days in the second year of service as Casual Labourer..... Had they continued as Casual Labourers to date, Shri Vythilingam would have already completed two years of service as Casual Labourer on 18th February, 1974."

Therefore from the clear stand of the Respondent-Director under Ex.M-7 as on 18-2-1974, the Petitioner herein would have completed 2 years of service as Casual Labourer. It may also be noted that even from 18-2-1974, the Petitioner Thiru D. Vythilingam had been in the employment of the Respondent-Director until the afternoon of 27-4-1976. It is true from 28th August, 1973 to 27th April, 1976 petitioner Thiru D. Vythilingam was working under the Respondent-Director as Glassware Cleaner. Hence it may be noted that from 28-8-1973 to 27-4-1976 the petitioner was employed on a higher category, viz., Glassware Cleaner and not mere Casual Labourer, Ex. M-4 is the office copy of the official memorandum of Ministry of Home Affairs to all Ministries of the Government of India issued on 12-2-1969. This particular G.O. deals with the eligibility of Casual Labourers for appointment to the post of regular establishment. From this G.O. it can be seen that the Casual Labourers if they have rendered a minimum of two years continuous service shall be eligible for appointment to regular establishment. This G.O. further clarifies that whether the minimum of two years continuous service should necessarily mean without any break whatsoever and so it was that this G.O. determined that a Casual Labourer may be given the benefit of the orders of 2nd December, 1966 if he has put in at least 240 days of service as a Casual Labourer (including broken periods of service) or during each of the two years of service referred to above. Therefore in light of this G.O. of the

Government of India issued under Ex. M-4, in the case of the petitioner it should have been held that he has already completed two years of service as Casual Labourer on 18-2-1974. But as a matter of fact he was continued in service till 27-4-1976. Therefore when the Petitioner has thus completed four years and two months of service on 27-4-1976 certainly there cannot be any difficulty to hold that he is the regular employee of the Establishment even with effect from 18-2-1974 as the Respondent-Director has pointed out under Ex.M-7. In 1980 - 57 - F.J.R. page 67 (Surendra Kumar Verma and others vs. Central Government Industrial Tribunal-cum-Labour Court, New Delhi and another) the Supreme Court has pointed out that it is no longer necessary that a worker should be in employment during the preceding period of twelve calendar months in order to qualify within the terms of Section 25-B and it is sufficient if he has actually worked for not less than 240 days in a period of 12 months. Merely because during this period, viz., 28-8-1973 to 27-4-1976, the Petitioner was employed on a higher category it cannot be said by any stretch of imagination he cannot be allowed to tack on this period of service to make him a permanent employee. On the contrary, this is exactly the unequivocal stand taken by the Respondent-Director under Ex.M-7 even on 3-6-1974. If the stand of the Respondent-Director on 3-6-1974 was so perfect and complete to make the Petitioner a regular employee even with effect from 18-2-1974 then with much more force it must be held that on 27-4-1976 when he was actually terminated as a Glassware Cleaner it must be easily held that the Petitioner was a regular employee of the Respondent-Director.

(7) In paragraph (9) of the counter statement, it is stated that the Respondent-Director of the B.C.G. Vaccine Laboratory has no competence whatsoever to review or reconsider the case of termination of the Petitioner because the order of termination under Ex. W-9 was made only in pursuance of the Standing Order of the Government in regard to Casual Labourer becoming eligible for regular establishment. From Ex. W-10, the Certificate issued by the Respondent-Director on 10th May, 1976 it can be concluded that originally when the Petitioner became a Casual Labourer under the Respondent-Director with effect from 13th February, 1972 it was after his nomination by the District Employment Officer, Madras-1 and also after an interview being held by the Director. The Petitioner has renewed his registration in the Employment Exchange ever since 1971 continuously. Therefore the belated defence put up by the Respondent-Director that the Petitioner has not been sponsored by the Employment Exchange for the post of Glassware Cleaner cannot be easily accepted. Never has the Petitioner during the period in which he was employed as Glassware Cleaner from 28th August, 1973 to 27th April, 1976 received any intimation from the Respondent-Director that his case has not been sponsored by the Employment Exchange. Significantly even in the order of termination Ex. W-9 there is no whisper that Petitioner had been terminated because he was not sponsored by the Employment Exchange. Ex. M-7, a communication of the Respondent-Director to the Director General of Health Services, New Delhi is dated 3rd June, 1974 when the Petitioner was employed as a Glassware Cleaner by the Respondent-Director. Even then under Ex. M-7, the Respondent-Director has clearly pointed out that the Petitioner should be regularised in the post of Glassware Cleaner because he has completed two years of service and also the fact that his initial appointment has been made through Employment Exchange. From the documentary materials placed, it is perfectly clear that until the counter statement filed it was not at all the stand of the Management that the Petitioner was not sponsored by the Employment Exchange and hence the services were terminated. In 1967-II-L.L.J. Page 606 (Narasimhamurthi (M.C.) and others vs. Director of Collegiate Education and others) it was held that there is no obligation upon any employer to recruit persons through the employment exchange to fill up vacancies occurring in his establishment and further there is no provision in the Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959 for rendering invalid any appointments made without complying with the requirements of Sections 4(1) and 4(2). Therefore the Division Bench of the High Court held that the appointment cannot be rendered invalid. Admittedly, when the Petitioner was employed as a Glassware Cleaner from 28th August, 1973 till date he has not been informed that he has not been considered in the post because his name has not been sponsored

by the Employment Exchange. In the circumstances, the claim of the Management cannot be upheld and doctrine of equitable estoppel will apply. In 1974-II-L.L.J. Page 323 (V. P. Thirunavukkarasu vs. The State of Tamil Nadu) our High Court has pointed out that even though the original order of appointment by the Government was void ab initio and therefore there is nothing in law to prevent the Government from setting right the mistake. Hence by reason of their inaction or silence for a long number of years after the Petitioner's entry into service this is eminently a fit case for the application of the doctrine of equitable estoppel and the order of the termination cannot be sustained. The Supreme Court in 1972-II-L.L.J. Page 189 (The State of Punjab vs. Madan Singh and others) has held that the executive instructions issued by the State are void and that administrative instructions issued by the Government prescribing a departmental test as a condition precedent for considering the promotion of clerks to the post of assistants was invalid. In the face of these facts and law also the action of termination of the Petitioner cannot be upheld.

(8) The next question that has to be considered is whether Section 25-F of the Industrial Disputes Act, 1947 has been violated. Section 25-F of the Industrial Disputes Act, 1947 runs as follows :—

"Conditions precedent to retrenchment of workmen.—

No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until—

(a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice :

Provided that no such notice shall be necessary if the retrenchment is under an agreement which specifies a date for the termination of service :

(b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay (for every completed year of continuous service) or any part thereof in excess of six months ; and

(c) notice in the prescribed manner is served on the appropriate Government (or such authority as may be specified by the appropriate Government by notification in the Official Gazette)."

When the order of termination under Ex. W-9 was issued by the Respondent-Director to the Petitioner admittedly no notice was issued to him and no compensation was offered to him. In paragraph 7(b) of the Claim statement at page 3, it is specifically mentioned that Petitioner should have been given one month's notice or be in lieu of one month's notice as contemplated under Section 25-F of the Industrial Disputes Act, 1947. In 1980-II-L.L.J. Page 72 (Santosh Gupta vs. State Bank of India) the Supreme Court has pointed out that under Section 25(b) of the Industrial Disputes Act, 1947 the termination by the employer of the service of a workman for any reason whatsoever must include every termination of the service of a workman by an act of the employer. Moreover, under Section 25-F of the Industrial Disputes Act, 1947, the retrenched person must be given the offer of re-employment and that was also not done in this case—vide Ex. W-12 which shows the appointment of Class-IV post made by the Respondent-Director after terminating the services of the Petitioner.

(9) In paragraph (14) of the counter statement, it is stated that all the statutory rules and regulations of the Government of India governing the service conditions of Central Government servants as a whole are the only rules applicable to the employees of the B.C.G. Vaccine Laboratory and therefore the action of the Respondent-Director terminating the services of the Petitioner cannot be challenged. Section 25-J of the Industrial Disputes Act, 1947 provides as follows :

"Effect of laws inconsistent with this Chapter.—

(1) The provisions of this Chapter shall have effect notwithstanding anything inconsistent therewith

contained in any other law (including standing orders made under the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946):

Provided that where under the provisions of any other Act or rules, orders or notifications issued thereunder or under any Standing orders or under any award, contract of service or otherwise, a workman is entitled to benefits in respect of any matter which are more favourable to him than those to which he would be entitled under this Act, the workman shall continue to be entitled to more favourable benefits in respect of that matter, notwithstanding that he receives benefits in respect of other matters under this Act.

- (2) For the removal of doubts, it is hereby declared that nothing contained in this Chapter shall be deemed to affect the provisions of any other law for the time being in force in any State in so far as that law provides for the settlement of industrial disputes, but the rights and liabilities of employers and workmen in so far as they relate to lay-off and retrenchment shall be determined in accordance with the provisions of this Chapter."

Therefore it is not open to the Respondent-Director to seek shelter under the Rules of the Government In 1979-I.L.L.J. page 176 (K.R.B. Kaimal and another vs. Director of Postal Services, Trivandrum) it has been held that postal services would come within the ambit of the Industrial Disputes Act, 1947 and therefore such activities cannot be considered to be sovereign or regal functions and solely because rules are framed under Articles 309 and 310 governing such employees, they will not be taken out of the scope of the Act. That is also clear from certain other provisions of the Act itself. Thus in that decision, it was pointed out that Industrial Disputes Act, 1947 will override the rules framed under Article 309 of the Constitution. Looked at from any angle, the action of the Respondent-Director in terminating the services of the Petitioner-Workman Thiru D. Vythilingam cannot be sustained.

(10) That leads me to the consideration of the final question as to the relief that has to be granted to the Petitioner. Petitioner is now aged between 30 and 35 years. The Petitioner was out of employment ever since the order of termination under Ex. W-9 dated 28-4-1976. He did not succeed to secure any other employment either. In 1980—57, F.J.R.—page 67 (Surendra Kumar Verma and others vs. Central Government Industrial Tribunal-cum-Labour Court, New Delhi and another) the Supreme Court has clearly pointed out that "ordinarily, a workman who has been retrenched in contravention of the law is entitled to reinstatement with full back wages and that principle yields only where the justice of the case in the light of exceptional circumstances makes it impossible or wholly inequitable vis-a-vis the employer and workman to direct reinstatement with full back wages. For instance, the industry might have closed down or might be in severe financial doldrums; the workman might have secured better or other employment elsewhere and so on." An a matter of fact in this case the Petitioner is unemployed ever since his termination and adding fuel to fire after his termination Management did not offer any re-employment to him. The Respondent-Director has made the several appointments as founds in Ex. W-12 subsequent to the termination of the Petitioner only in exceptional cases there is a vestige of discretion left in the Court to make appropriate consequential orders. No special circumstances has been alleged or pleaded by the Respondent-Director to deviate from the rule. On the facts of this case, there is no special impediment in the way of awarding the normal relief or reinstatement with full back wages.

(11) In the result an Award is passed ordering reinstatement of the Petitioner Thiru D. Vythilingam with effect from 28th April, 1976 as Glassware Cleaner but he will be entitled to full back wages from the date of demand, viz., 16th August, 1979 as seen from Ex. W-13 till date and half back wages from 28th April, 1976 till 16th August, 1979. I also direct the

Respondent-Director to pay a sum of Rs. 300 as costs to the Petitioner.

Dated, this 2nd day of January, 1981.

T. SUDARSANAM DANIEL, Presiding Officer

[No. L-42012(48)/79-D.II(B)]

S. S. BHALLA, Desk Officer

#### WITNESSES EXAMINED

For Workmen—None.

For Management—M.W.1—Thiru A. Mohammed Abdul Khader.

#### DOCUMENTS MARKED

For Workmen :

- Ex. W-1/24-9-71—Memorandum of Settlement u/s. 12(3) of the I.D. Act, 1947 between the Management and the Union. (true copy)
- Ex. W-2/31-12-71—Memo issued to the worker directing to undergo medical examination.
- Ex. W-3/3-1-72—Letter from the Management to the Government Chest Institute, Madras requesting to examine the worker.
- Ex. W-4/17-2-72—Memo issued to the worker directing to call at office.
- Ex. W-5/15-4-72—Interview letter sent to the worker.
- Ex. W-6/12-10-72—Character Certificate of the worker.
- Ex. W-7/5-4-73—Letter from the Director of Employment and Training, Madras-5 to the Management regarding regularisation of casual employees. (copy)
- Ex. W-8/28-8-73—Appointment Order issued to the worker.
- Ex. W-9/28-4-76—Termination Order issued to the worker.
- Ex. W-10/10-5-76—Service Certificate of the worker.
- Ex. W-11/5-5-76—Letter from the Union to the Director General of Health Services, New Delhi regarding regularisation of casual employees. (copy)
- Ex. W-12—Statement showing the Class IV appointments made after terminating the services of the worker.
- Ex. W-13/21-11-79—Conciliation failure report and letter dated 27th August, 1979 from the workman to the Assistant Labour Commissioner (Central), Madras.

For Management :

- Ex. M-1—Minutes of discussion held before the Assistant Labour Commissioner (Central), Madras on 27-6-1973.
- Ex. M-2/31-1-74—Letter from the Management to the Director General of Health Services, New Delhi regarding sanction for appointment of two casual labourers. (true copy)
- Ex. M-3/23-4-74—Reply letter from the Director General of Health Services, New Delhi to Ex. M-2. (true copy)
- Ex. M-4/12-2-69—Official Memorandum of the Ministry of Home Affairs to all Ministries of the Government of India regarding appointment to casual labour. (true copy)
- Ex. M-5/14-8-73—Letter from the Director of Employment and Training, Madras to the Management regarding regularisation of casual labourers. (true copy)
- Ex. M-6/22-8-73—Letter from the Management to the Union regarding regularisation of casual labourers etc., (true copy)
- Ex. M-7/3-6-74—Letter from the Management to the Director General of Health Services, New Delhi

regarding sanction for appointment of two casual labourers. (true copy)

Ex M-8/20-4-76—Letter from the Director General of Health Services, New Delhi to the Management regarding sanction for appointment of two casual labourers (true copy)

Ex M-9/31-8-74—Letter from the worker to the Management intimating the names of his step children. (true copy)

T SUDARSANAM DANIEL, Presiding Officer

Note—Parties are directed to take return of their document/s within six months from the date of publication of this Award.

नई दिल्ली, 16 जनवरी, 1981

का० प्रा० 421—नवम्बरी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार एनवूडग्रा 1 फरवरी, 1981 का उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय 4 (धारा 44 और 45 के विषय में पालन हो प्रवृत्त की जा चुकी है) और अध्याय 5 और 6 [धारा 76 की उपधारा (1) और धारा 77, 78, 79 और 81 के विषय में पालन हो प्रवृत्त की जा चुकी है] के उपबन्ध पश्चिम बंगाल राज्य के निम्नलिखित क्षेत्र में प्रवृत्त होगे, अर्थात्:—

“जिला बुदवान के

जुमेरी मौजा (जे० एन० न० 8) और

रानीगज मौजा (जे० एन० न० 24) का छाड़कर,

आसन्मान के पुलिस स्टेशन के अन्तर्गत आने वाले क्षेत्र

और रानीगज पुलिस स्टेशन के अन्तर्गत आने वाले क्षेत्र।”

[स० एन-38013/26/76-एन० आई०]

New Delhi, the 16th January, 1981

S.O. 421.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 1st February, 1981 as the date on which the provisions of Chapter IV (except sections 44 and 45 which have already been brought into force) and Chapters V and VI [except sub section (1) of section 76 and sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of West Bengal, namely:—

“The areas within the jurisdiction of Police Station of Asansol and the areas within the jurisdiction of Police Station of Raniganj, except Jumeri Mouza (J. L. No. 8) and Raniganj Mouza (J. L. No. 24) in the District of Burdwan.”

[No. S-38013.26/76-HI]

नई दिल्ली, 17 जनवरी, 1981

का० प्रा० 422—राज्य सरकार ने कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 4 के खण्ड (घ) के अनुमरण में श्री सी० सी० डाक्टर के स्थान पर श्री एन० विट्टल, सचिव, गुजरात सरकार, स्वास्थ्य और परिवार कल्याण विभाग का कर्मचारी राज्य बीमा निगम में उस राज्य का प्रतिनिधित्व करने के लिए नामनिर्दिष्ट किया है;

अतः अब केंद्रीय सरकार कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 4 के अनुमरण में, भारत सरकार के अम

मन्त्रालय की अधिसूचना सभा का० प्रा० 850 (अ), दिनांक 21 अक्टूबर, 1980 में निम्नलिखित संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में “[राज्य सरकारों द्वारा धारा 4 के खण्ड (घ) में प्रदत्त नामनिर्दिष्ट] शीर्षक के नीचे मद्द 11 के सामने की प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात्:—

श्री एन० विट्टल,

सचिव, गुजरात सरकार,

स्वास्थ्य और परिवार कल्याण विभाग,

गार्धी नगर।

[स० यू-16012/17/80-एन० आई०]

New Delhi, the 17th January, 1981

S.O. 422.—Whereas the State Government of Gujarat has, in pursuance of clause (d) of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948) nominated Shri N. Vittal, Secretary to the Government of Gujarat, Health and Family Welfare Department to represent that State on the Employees' State Insurance Corporation, in place of Shri C. C. Doctor;

Now, therefore, in pursuance of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour No. S.O. 850(E), dated the 21st October, 1980, namely:—

In the said notification, under the heading “[Non-named by the State Governments under clause (d) of section 4]”, for the entry against item 11, the following entry shall be substituted, namely:—

Shri N. Vittal,

Secretary to the Govt. of Gujarat,

Health and Family Welfare Department,

Gandhinagar.

[No. U-16012/17/80-H I.]

का० प्रा० 423—उत्तर प्रदेश राज्य सरकार ने कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 4 के खण्ड (घ) के अनुमरण में श्री प्रकाश चन्द्र मक्सता के स्थान पर श्री कर्नल सिंह, सचिव उत्तर प्रदेश प्रशासन, अम विभाग का कर्मचारी राज्य बीमा निगम में उस राज्य का प्रतिनिधित्व करने के लिए नामनिर्दिष्ट किया है;

अतः अब केंद्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 4 के अनुमरण में, भारत सरकार के अम मन्त्रालय की अधिसूचना सभा का० प्रा० 850 (अ), दिनांक 21 अक्टूबर 1980 में निम्नलिखित संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में, “[राज्य सरकारों द्वारा धारा 4 के खण्ड (घ) में प्रदत्त नामनिर्दिष्ट] शीर्षक के नीचे मद्द 26 के सामने की प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात्:—

श्री कर्नल सिंह,

सचिव,

उत्तर प्रदेश शासन,

अम विभाग, लखनऊ

[स० यू-16012/1/81-एन० आई०]

अ० पुनन, उप सचिव

S.O. 423.—Whereas the State Government of Uttar Pradesh has, in pursuance of clause (d) of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948) nominated Shri Karnail Singh, Labour Secretary to the Government of Uttar Pradesh, Labour Department, Lucknow to represent that

State on the Employees' State Insurance Corporation, in place of Shri Prakash Chandra Saxena ;

Now, therefore, in pursuance of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour No. S.O. 850(E), dated the 21st October, 1980, namely :—

In the said notification, under the heading "(Nominated by the State Governments under clause (d) of section 4)" for the entry against item 26, the following entry shall be substituted, namely :—

"Shri Karnail Singh,  
Secretary to the Govt. of Uttar Pradesh,  
Labour Department, Lucknow."

[No. U-16012/1/81-H.L.]

A. POONEN, Dy. Secy.

नई दिल्ली, 16 जनवरी, 1981

का० आ० 424.—केन्द्रीय सरकार, मजदूरी संवाय अधिनियम, 1936 (1936 का 4) की धारा 24 के साथ पठित धारा 1 की उपधारा (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम के उपबन्धों का विस्तार जम्मू और कश्मीर राज्य में रेल, खान, खदान, वायु परिवहन सेवा और रेल जेको के अधीन किसी औद्योगिक स्थापना में नियोजित किसी वर्ग के व्यक्तियों को मजदूरी के संवाय तक करती है उसने ऐसा करने के अपने आशय की सूचना पहले ही उक्त धारा की उपधारा द्वारा भारत के राज्य, भाग 2, खण्ड 3, उपखण्ड (II), तारीख 24 मई, 1980 के पृष्ठ 1524 पर प्रकाशित भारत सरकार के अयः मंत्रालय की अधिसूचना सं० का० आ० 1479 तारीख 8 मई, 1980 द्वारा दी थी।

[सं० एस० 31012/7/79-इन्सो (पी इन्सु)]

New Delhi, the 16th January, 1981

S.O. 424.—In exercise of the powers conferred by sub-section (5) of section 1 read with section 24 of the Payment of Wages Act, 1936 (4 of 1936), the Central Government hereby extends the provisions of the said Act, to the payment of wages to any class of persons employed in any industrial establishments under the railways, mines, quarry air transport services and oil fields in the State of Jammu and Kashmir, notice of its intention so to do having already been given by the notification of the Government of India in the Ministry of Labour No. S.O. 1479, dated 8th May, 1980, published at p. 1524-25 of the Gazette of India, Part II, Section 3, Sub-section (ii), dated 24th May, 1980, as required by that section.

[No. S-31012/7/79-WC(PW)]

का० आ० 425.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स एम० हसन एण्ड कम्पनी, 55 बी, गोलाम जलानी खान रोड, कलकत्ता 39, नामक स्थापना से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापना को लागू किए जाने चाहिए,

अतः, अब उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, उक्त अधिनियम के उपबन्ध उक्त स्थापना को लागू करती है।

यह अधिसूचना 1 जुलाई, 1977 को प्रवृत्त हुई समझी जाएगी।

[सं० एस० 35017(79)/79-पी० एफ०-II]

S.O. 425.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs M. Hassan and

Company, 55 B. Golam Jalani Khan Road, Calcutta-39 have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of July, 1977.

[No. S-35017/79/79-PF.II]

नई दिल्ली, 16 जनवरी, 1981

का० आ० 426.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स मंसूर हुसैन, 55 बी, गोलाम जलानी खान रोड, कलकत्ता-39 नामक स्थापना से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापना को लागू किए जाने चाहिए,

अतः, अब उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, उक्त अधिनियम के उपबन्ध उक्त स्थापना को लागू करती है।

यह अधिसूचना 1 जुलाई, 1977 प्रवृत्त हुई समझी जाएगी।

[सं० एस० 35017/80/79-पी० एफ० II]

S.O. 426.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Mansur Hussain, 55 B. Golam Jalani Khan Road, Calcutta-39 have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the establishment.

This notification shall be deemed to have come into force on the first day of July 1977.

[No. S-35017/80/79-PF.II]

का० आ० 427.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स जे० एम० फाहनामियाल एण्ड इन्वेस्टमेंट कंसल्टेंसी प्राइवेट लिमिटेड, 112, जाली मेकर चैम्बर्स नं० 2, 11वा फ्लोर, 255, बैकवे रिक्लेमेन्ट, तारामन ज्वाइट, मुम्बई-21 जिसके अधिनियम (1) 11एफ० शान्ति कुंज, पञ्जा फ्लोर, 4 माध वासुदेवी रोड, पूना-1 (2) 16 इण्डिया एक्सचेंज प्लेस, पहला, फ्लोर, कलकत्ता-1, और (3) 5ए, हमाम, स्ट्रीट, पहला फ्लोर, मुम्बई, समाचार, मार्ग, फार्ड, मुम्बई-23, स्थित उनकी शाखाएं भी हैं, नामक स्थापना से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापना को लागू किए जाने चाहिए,

अतः, अब उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, उक्त अधिनियम के उपबन्ध उक्त स्थापना को लागू करती है।

यह अधिसूचना 30 सितम्बर, 1978 का प्रवृत्त हुई समझी जाएगी।

[सं० एस० 35019/136/79-पी० एफ०-2(1)]

**S.O. 427.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs. J. M. Financial and Investment Consultancy, Services (Private) Limited, 112, Jolly Maker Chambers No. 2, 11th Floor, 225 Backbay, Reclamation, Nariman Point Bombay-400021 including its branches at (1) 11F, Shanti Kunj, 1st Floor 4, Sadhu Vaswani Road, Poona-1, (2) 16, India Exchange Place, 1st Floor Calcutta-700001 and (3) 5A, Hamam Street, 1st Floor, Bombay Samachar Marg, Fort, Bombay-400023 have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirtieth day of September, 1979.

[No. S-35018 (136)/79-PF. II(ii)]

का० खा० 428.—केंद्रीय सरकार को यह प्रतीत होता है कि मैसर्स एस० गोपाल सिंह होरासिंह, 710/14, काटन एक्चेंज बिल्डिंग, कालबादेवी रोड, सम्बर्द्ध-2 जिसके सम्बन्ध काटन एक्चेंज बिल्डिंग, कालबादेवी रोड, सम्बर्द्ध-38 स्थित उसका मुख्य कार्यालय भी है, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए,

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 31 मार्च, 1977 को प्रवृत्त हुई समझी जाएगी।

[सं० एस० 35018(74)/80-पी० एफ० II]

**S.O. 428.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs S. Gopalsingh Hirasingh, 710/14, Cotton Exchange Building, Kalbadevi Road, Bombay-2 including its Sales Office at Cotton Exchange Building, Ground Floor, Sewree Bombay-38, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establish;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirty-first day of March, 1977.

[No. S-35018/74/80-PF. II]

का० खा० 429.—केंद्रीय सरकार को यह प्रतीत होता है कि मैसर्स धनुषा इण्डस्ट्रियल इंजीनियर्स, रोड, नं० 18 सिद्धपुरा इण्डस्ट्रियल इस्टेट, एस० बी० रोड, गोरे गांव, (पश्चिम), मुम्बई-62, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए,

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 अक्टूबर, 1979 को प्रवृत्त हुई समझी जाएगी।

[सं० एस० 35018(75)/80-पी० एफ० II]

**S.O. 429.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Ahura Industries Engineers, Shed No. 18, Sidhpura Industrial Estate, S.V. Road, Goregaon (West) Bombay-62, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establish;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of October, 1979.

[No. S-35018/75/80-PF. II]

का० खा० 430.—केंद्रीय सरकार को यह प्रतीत होता है कि मैसर्स दि ओलम्पिक आर्ट एण्ड लिथो प्रिंटर्स, म्युनिसिपल इण्डस्ट्रियल इस्टेट, यूनिट नं० 3, पहली मंजिल, बल्लभभाई रोड, विले पार्ले (पश्चिम), मुम्बई-56, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए,

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 30 जून, 1979 को प्रवृत्त हुई समझी जाएगी।

[सं० एस०-35018(76)/80-पी० एफ०-II]

**S.O. 430.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs The Olympic Art and Litho Printers, Municipal Industrial Estate, Unit No. 3, 1st Floor Vallabhbbhai Road, Vile Parle (West), Bombay-56, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establish;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirtieth day of June, 1979.

[No. S-35018/76/80-PF. II]

का० खा० 431.—केंद्रीय सरकार को यह प्रतीत होता है कि मैसर्स जिविंग कम्पनी (प्राइवेट) लिमिटेड, 11वीं, मंजिल, एम्बेसी गेट, भारीमन प्वाइंट, मुम्बई-21, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए,

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 अप्रैल, 1979 को प्रवृत्त हुई समझी जाएगी।

[सं० एस० 35018(73)/80-पी० एफ० II]

**S.O. 431.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Sai Shipping Company (Private) Limited, 11th Floor, Embassy, Centre, Nariman Point, Bombay-21 have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions

Act, 1952 (19 of 1952), should be made applicable to the said establish;

Now therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of April, 1979.

[No. S-35018/73/80-PF. II]

का० आ० 432.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स श्री राजवेल एण्ड कम्पनी कोपरा कनाट्टा, आसुरामम, क्वील-2 नामक स्थापन सं० सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 मार्च, 1980 को प्रवृत्त हुई समझी जाएगी।

[सं० एम-35019/79/80-पी०एफ०-II]

S.O. 432.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Sree Rajvel and Company, Copra Kanatta, Asuramam, Quilon-2 have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establish;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of March, 1980.

[No. S-35019/79/80-PF. II]

का०आ० 433.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स भोपाल नागरिक सहकारी बैंक लिमिटेड, शीश महल, भोपाल (मध्य प्रदेश) नामक स्थापन सं० सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए,

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 जुलाई, 1978 को प्रवृत्त हुई समझी जाएगी।

[सं० एम-35019/80/80-पी०एफ०-II]

S.O. 433.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Bhopal Nagrik Bank Limited, Sheesh Mahal, Bhopal (Madhya Pradesh) have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establish;

Now therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of July, 1978

[No. S-35019/80/80-PF. II]

का०आ० 434.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स आर० के० आरिगाताइजेशन प्रांफ इण्डिया, 10, बियाबानी मुख्य सड़क, इन्दौर (मध्य प्रदेश), नामक स्थापन सं० सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 अप्रैल, 1980 को प्रवृत्त हुई समझी जाएगी।

[सं० एम-35019/81/80-पी०एफ०-II]

S.O. 434.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs. R. K. Organisation of India, 10, Biyabani Main Road, Indore (Madhya Pradesh) have agreed that the provisions of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 (19 of 1952) should be made applicable to the said establish;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of April, 1980.

[No. S-35019/81/80-PF II]

का०आ० 435.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स ए०एच० प्रेस, 102, लोंग बाजार, वेल्लूर, उत्तरी आर्कोट जिला, नामक स्थापन सं० सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 अप्रैल, 1977 को प्रवृत्त हुई समझी जाएगी।

[सं० एम० 35019/82/80-पी०एफ०-II]

S.O. 435.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs. A. H. Press, 102 Long Bazar, Vellore, North Arcot District have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of April, 1977.

[No. S-35019/82/80-PF. II]

का०आ० 436.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स आईटीएल इन्टरप्राइजेज, 24-वी, इलेक्ट्रॉनिक्स कम्प्लेक्स, कुणैडा, हैदराबाद-62 नामक स्थापन सं० सम्बद्ध नियोजक और कर्मचारी की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 मार्च, 1980 को प्रवृत्त हुई समझी जाएगी।

[सं० एस०-35019/(83)/80-पी०एफ०-2]

**S.O. 436.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs. Hytronics Enterprises, 24-B, Electronics Complex, Kusaiguda, Hyderabad-62 have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) should be made applicable to the said establish;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said Establishment.

This notification shall be deemed to have come into force on the first day of May, 1980.

[No. S 35019/83/80-PF. II]

**का० आ० 437.**—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स हीस प्री, परवन्ना ग्राम, डाक घर वेल्लियरम्बा, मवूर रोड, कालीकट-8, कालीकट जिला, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिये,

अतः, अब, उक्त अधिनियम की धारा 1 की उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 फरवरी, 1980 को प्रवृत्त हुई समझी जाएगी।

[सं० एस०-35019/84/80-पी०एफ०-II]

**S.O. 437.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Wheel Fire, Pervanna Village, Post Office Velliparamba, Mavoor Road, Calicut-8, Calicut District, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of February, 1980.

[No. S-35019/84/80-PF. II]

**का० आ० 438.**—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स मोहन टैक्सटाइल्स, 21, सामी ग्रन्थर स्ट्रीट, एर्सी, उत्तरी आर्कोट जिला, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिये,

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 जनवरी, 1979 को प्रवृत्त हुई समझी जाएगी।

[सं० एस०-35019(85)/80-पी०एफ०-II]

**S.O. 438.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to establishment known as Messrs Mohan Textiles, 21, Sami Iyer Street, Arni, North Arcot District have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of January, 1979.

[No. S-35019/85/80-PF. III]

**का० आ० 439.**—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स बोर्डे ऑफ प्री-मेडिकल एग्जामिनेशन, इदगाह हिल, भोपाल (मध्य प्रदेश) नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिये,

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 31 दिसम्बर, 1977 का प्रवृत्त हुई समझी जाएगी।

[सं० एस० 35019/86/80-पी०एफ०-II]

**S.O. 439.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Board of Pre-Medical Examination, Idgah Hill, Bhopal (Madhya Pradesh), have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act 1952 (19 of 1952), should be made applicable to the said establishment.

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirty-first day of December, 1977.

[No. S-35019/86/80-PF. II]

**का० आ० 440.**—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स निधीश ट्रान्स्पोर्ट कारपोरेशन, 6337, ग.य.म.स.आ. रोड, कालीकट-1, केरल, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिये,

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 मार्च, 1980 को प्रवृत्त हुई समझी जाएगी।

[सं० एस० 35019(90)/80-पी०एफ०-II]

**S.O. 440.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Nidhiash Transport Corporation, 6-337, G.Y.M.C.A. Road, Calicut-1, Kerala, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of March, 1980.

[No. S-35019/90/80-PF. II]

कां० 441—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स नवोदय इलेक्ट्रॉनिक्स, यूनिट नं० 19, इलेक्ट्रॉनिक्स कॉम्प्लेक्स, कुशगुडा हैदराबाद-762, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए,

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 जुलाई, 1979 को प्रवृत्त हुई समझी जाएगी।

[सं० एम० 35019(281)/79-पी०एफ०-II]

S.O. 441—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Navodaya Electronics, Unit No. 19, Electronics Complex, Kushaiguda, Hyderabad-762 have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of July, 1979.

[No. S-35019(290)/79-PF. II]

कां० 442—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स सुमन सेविंग्स एण्ड इन्वेस्टमेंट्स (प्राइवेट) लिमिटेड, 5-4-361, दूसरी मंजिल, एन०टी०एच० स्टेट के सामने, जे० एन० रोड, हैदराबाद,

द्विस्तरीय प्रकल्प (1), 1-2-52413 गलैट नं० 117, सागर वि्यू, डोमाल-गुडा हैदराबाद और (2) 1-4-104, स्टेशन रोड, भोंगीर, जिला नाग-गांवा, स्थित उसकी शाखाओं का है, नामक स्थापन में सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए,

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 31 अक्टूबर, 1979 को प्रवृत्त हुई समझी जाएगी।

[सं० एम० 35019(290)/79-पी०एफ०-II]

तथीन आबला, उप० सचिव

S.O. 442—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs. Suman Savings and Investments (Private) Limited, 5-4-361, Second Floor, Opposite N.T.R. Estate J. N. Road, Hyderabad including its branches at (1) 1-2-524/3, Flat No. 117, Sagar View, Domalguda Hyderabad, and (2) 1-4-104, Station Road, Bhongir, District Nalgonda, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirty first day of October 1979.

[No. S-35019(290)/79-PF. II]

N. B CHAWLA, Dy. Secy.